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[Frontispiece: v1.jpg]

SENATOR GEORGE F. HOAR

From a photograph taken in 1897

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[Title page]

AUTOBIOGRAPHY
OF SEVENTY YEARS

BY GEORGE F. HOAR

WITH PORTRAITS

VOLUME I.

NEW YORK CHARLES SCRIBNER'S SONS 1903

[Dedication]

TO
MY WIFE AND CHILDREN
THIS RECORD OF A LIFE WHICH
THEY HAVE MADE HAPPY
IS AFFECTIONATELY DEDICATED

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AUTOBIOGRAPHY OF SEVENTY YEARS

CHAPTER I INTRODUCTORY

Everybody who reads this book through will wonder that a man who ought to be able to tell so much has really told so little.

I have known personally and quite intimately, or have known intelligent and trustworthy persons who have known personally and quite intimately, many men who have had a great share in the history of this country and in its literature for a hundred and thirty years.

In my younger days there were among my kindred and near friends persons who knew the great actors of the Revolutionary time and the time which followed till I came to manhood myself. But I did not know enough to ask questions. If I had, and had recorded the answers, I could write a very large part of the political and literary history of the United States. I never kept a diary, except for a few and brief periods. So for what I have to say, I must trust to my memory. I have no doubt that after these

volumes are published, there will come up in my mind matter enough to make a dozen better ones.

I invoke for this book that kindly judgment of my countrymen which has attended everything I have done in my life so far. I have tried to guard against the dangers and the besetting infirmities of men who write their own biography. An autobiography, as the word implies, will be egotistical. An old man's autobiography is pretty certain to be garrulous. If the writer set forth therein his own ideals, he is likely to be judged by them, even when he may fall far short of them. Men are likely to think that he claims or pretends to have lived up to them, however painfully conscious he may be that they are only dreams which even if he have done his best have had little reality for him.

There is another danger for a man who tells the story of great transactions, in which he has taken part, whether legislative, executive, military, or political, or any other, in which the combined action of many persons was required for the result. He is apt to claim, consciously or unconsciously, that he himself brought the whole thing about.

"Papa," said the little boy to the veteran of the Civil War,
"Did anybody help you to put down the Rebellion?"

This peril specially besets narrators in their old age. I am afraid I can hardly escape it.

I once heard General George H. Thomas relate to a brilliant company at a supper party, among whom were Chief Justice Chase, General Eaton, Commissary General in two wars, Senator Trumbull, William M. Evarts, Joseph Henry, John Sherman, his brother the General, and several other gentlemen of equal distinction, the story of the battles of Nashville and Franklin. The story was full of dramatic interest. Yet no one who heard it would have known that the speaker himself had taken part in the great achievement, until, just at the end, he said of the Battle of Nashville that he thought of sending a detachment to cut off Hood's army at a ford by which he escaped after they were defeated, but he concluded that it was not safe to spare that force from immediate use in the battle. "If I had done it," he added, with great simplicity, "I should have captured his whole army. There is where I made my mistake."

The recollections of the actors in important political transactions are doubtless of great historic value. But I ought to say frankly that my experience has taught me that the memory of men, even of good and true men, as to matters in which they have been personal actors, is frequently most dangerous and misleading. I could recount many curious stories which have been told me by friends who have been writers of history and biography, of the contradictory statements they have received from the best men in regard to scenes in which they have been present.

If any critic think this book lacking in dignity, or wisdom, or modesty, it is hoped that it may, by way of offset, make up for it in sincerity. I have so far lived in the world without secrets. If my countrymen, or the people of Massachusetts, have trusted me, they have fully known what they were doing. "They had eyes and chose me."

I have never lifted any finger or spoken a word to any man to secure or to promote my own election to any office. I do not mean to criticise other men who advance their honorable ambition for public service or exert themselves to get office for which they think themselves fit. It was the "high Roman fashion." It has been the fashion in England always. English gentlemen do not disdain a personal solicitation for political support, and think no harm in it, to which no American gentleman would for a moment stoop.

It has been the custom in other parts of the country almost from the beginning of the Government. But what I think a better custom has prevailed in Massachusetts. I arrogate to myself no virtue in this respect. I only say that it has been my supreme good fortune to be the son of a Commonwealth among whose noble and high-minded people a better and more fastidious habit has prevailed.

The lesson which I have learned in life, which is impressed on me daily, and more deeply as I grow old, is the lesson of Good Will and Good Hope. I believe that to-day is better than yesterday, and that to-morrow will be better than to-day. I believe that in spite of so many errors and wrongs and even crimes, my countrymen of all classes desire what is good, and not what is evil. I repeat what I said to the State Convention of Massachusetts after the death of President McKinley:

"When I first came to manhood and began to take part in public affairs, that greatest of crimes, human slavery, was entrenched everywhere in power in this Republic. Congress and Supreme Court, Commerce and Trade and Social Life alike submitted to its imperious and arrogant sway. Mr. Webster declared that there was no North, and that the South went clear up to the Canada line. The hope of many wise and conservative and, as I now believe, patriotic men, of saving this country from being rent into fragments was in leaving to slavery forever the great territory between the Mississippi and the

Pacific, in the Fugitive Slave Law, a law under which freemen were taken from the soil of Massachusetts to be delivered into perpetual bondage, and in the judgment of the Supreme Court which declared it as the lesson of our history that the Negro had no rights that a white man was bound to respect.

"Last week at Dartmouth, at the great celebration in honor of Daniel Webster, that famous college gave the highest honor in its power to a Negro, amid the applause of the brilliant assembly. And there was no applause more earnest or hearty than that of the successor of Taney, the Democratic Chief Justice of the United States. I know that the people of that race are still the victims of outrages which all good men deplore. But I also believe that the rising sense of justice and of manhood in the South is already finding expression in indignant remonstrance from the lips of governors and preachers, and that the justice and manhood of the South will surely make their way.

"Ah, Fellow Citizens, amid the sorrow and the mourning and the tears, amid the horror and the disappointment and the baffled hope, there comes to us from the open grave of William McKinley a voice of good omen! What pride and love must we feel for the republic that calls such men to her high places? What hope and confidence in the future of a people, where all men and all women of all parties and sections, of all faiths and creeds, of all classes and conditions, are ready to respond as ours have responded to the emotion of a mighty love.

"You and I are Republicans. You and I are men of the North. Most of us are Protestants in religion. We are men of native birth. Yet if every Republican were to-day to fall in his place, as William McKinley has fallen, I believe our countrymen of the other party, in spite of what we deem their errors, would take the Republic and bear on the flag to liberty and glory. I believe if every Protestant were to be stricken down by a lightning-stroke, that our brethren of the Catholic faith would still carry on the Republic in the spirit of a true and liberal freedom. I believe if every man of native birth within our borders were to die this day, the men of foreign birth, who have come here to seek homes and liberty under the shadow of the Republic, would carry it on in God's appointed way. I believe if every man of the North were to die, the new and chastened South, with the virtues it has cherished from the beginning, with its courage and its constancy, would take the country and bear it on to the achievement of its lofty destiny. The Anarchist must slay 75,000,000 Americans before he can slay the Republic.

"Of course there would be mistakes. Of course there would be disappointments and grievous errors. Of course there would be many things for which the lovers of liberty would mourn. But America would survive them all, and the nation our fathers planted would endure in perennial life.

"William McKinley has fallen in high place. The spirit of Anarchy, always the servant of the spirit of Despotism, aimed its shaft at him, and his life for this world is over. But there comes from his fresh grave a voice of lofty triumph: 'Be of good cheer. It is God's way.'"

I account it my supreme good fortune that my public life has been spent in the service of Massachusetts. No man can know better than I do how unworthy I have been of a place in the great line of public men who have adorned her history for nearly three hundred years. What a succession it has been. What royal house, what empire or monarchy, can show a catalogue like that of the men whom in every generation she has called to high places—Bradford, and Winthrop, and Sir Henry Vane, Leverett, and Sam Adams and John Adams and his illustrious son, and Cabot and Dexter, Webster and Everett and Sumner and Andrew. Nothing better can be said in praise of either than that they have been worthy of her, and she has been worthy of them. They have given her always brave and honest service, brave and honest counsel. She has never asked of them obsequiousness, or flattery, or even obedience to her will, unless it had the approval of their own judgment and conscience. That relation has been alike most honorable and most advantageous to both sides. They have never been afraid to trust the people and they have never been afraid to withstand the people. They knew well the great secret of all statesmanship, that he that withstands the people on fit occasions is commonly the man who trusts them most and always in the end the man they trust most.

CHAPTER II ROGER SHERMAN AND HIS FAMILY

My mother, who died in 1866, at the age of eighty-three, was the daughter of Roger Sherman of Connecticut. Her father died when she was ten years old. She lived in her mother's house, opposite the College in New Haven, until her marriage in 1812. New Haven was one of the capital cities of New England. Its society had the special attraction which belonged to the seat of a famous college. Her mother's house was visited by the survivors of the great period of the Revolution and the framing of the Constitution, whom her father had known during an eminent public service of nearly forty years.

My mother was the most perfect democrat, in the best sense of the word, that I ever knew. It was a democracy which was the logical result of the doctrines of the Old Testament and of the New. It

recognized the dignity of the individual soul, without regard to the accident of birth or wealth or power or color of the skin. If she were in the company of a Queen, it would never have occurred to her that they did not meet as equals. And if the Queen were a woman of sense, and knew her, it would never occur to the Queen. The poorest people in the town, the paupers in the poorhouse, thought of her as a personal friend to whom they could turn for sympathy and help. No long before her death, an old black woman died in the poorhouse. She died in the night. An old man who had been a town pauper a good part of his life sat up with her and ministered to her wants as well as he could. Just before she died, the old woman thanked him for his kindness. She told him she should like to give him something to show her gratitude, but that she had nothing in the world; but she thought that if he would go to Mrs. Hoar and ask her to give him a dollar, as a favor to her she would do it. The draft on the bank of kindness was duly honored. And I think the legacy was valued as highly by her who paid it as if it had been a costly gem or a work of art from an emperor's gallery.

Mr. Calhoun was very intimate in my grandmother's household when he was in college, and always inquired with great interest after the young ladies of the family when he met anybody who knew them. He had a special liking for my mother, who was about his own age, and always inquired for her.

William M. Evarts visited Washington in his youth and called upon Mr. Calhoun, who received him with great consideration, went with him in person to see the President and what was worth seeing in Washington. Mr. Calhoun spoke in the highest terms of Roger Sherman to Mr. Evarts, said that he regarded him as one of the greatest of our statesmen, and that he had seen the true interests of the South when Southern statesmen were blind to them. This Mr. Calhoun afterward said in a speech in the Senate, including, however, Mr. Paterson of New Jersey and Oliver Ellsworth in his eulogy.

The story of Roger Sherman's life has never been told at length. There is an excellent memoir of him in Sanderson's "Lives of the Signers," written by Jeremiah Evarts, with the assistance of the late Governor and Senator Roger S. Baldwin of Connecticut. But when that was written the correspondence of the great actors of his time, and indeed the journals of the Continental Congress and the Constitutional Convention and the Madison Papers, were none of them accessible to the public.

An excellent though brief memoir of Mr. Sherman was published a few years ago by L. H. Boutell, Esq., of Chicago. Mr. Sherman was a man who seemed to care nothing for fame. He was content to cause great things to be done for his country, and cared nothing for the pride and glory of having done them. The personal pronoun I is seldom found in any speech or writing of his. He had a large share in the public events that led to the Revolution, in the conduct of the War, in the proceedings of the Continental Congress, in the framing of the Constitution, in securing its adoption by Connecticut, and in the action of the House and Senate in Washington's first Administration. He was also for many years Judge of the highest court of his State. He was a man of indefatigable industry. An accomplished lady employed to make investigations in the public archives of the Department of State, reported that she did not see how he could ever have gone to bed.

He had a most affectionate and tender heart. He was very fond of his family and friends. Although reserved and silent in ordinary company, he was very agreeable in conversation, and had a delightful wit. Some of the very greatest men of his time have left on record their estimate of his greatness.

Thomas Jefferson said of him: "There is old Roger Sherman, who never said a foolish thing in his life."

Theodore Sedgwick said: "He was a man of the selectest wisdom. His influence was such that no measure, or part of a measure which he advocated, ever failed to pass."

Fisher Ames said that if he were absent through a debate and came in before the vote was taken he always voted with Roger Sherman, as he always voted right.

Patrick Henry said that the first men in the Continental Congress were Washington, Richard Henry Lee, and Roger Sherman, and, later in life, that Roger Sherman and George Mason were the greatest statesmen he ever knew. This statement, published in the life of Mason, was carefully verified for me by my friend, the late William Wirt Henry, grandson and biographer of Patrick Henry, as appears by a letter from him in my possession.*

[Footnote]

*I attach a passage from Mr. William Wirt Henry's letter, dated December 28, 1892.

"I am glad to be able to say that you may rely on the correctness of the passage at page 221 of Howe's Historical Collections of Va. giving Patrick Henry's estimate of Roger Sherman. It was furnished the author by my father and though a youth I well remember Mr. Howe's visit to Red Hill, my father's residence. My father, John Henry, was about three years of age when his father died, but his

mother long survived Patrick Henry, as did several of his older children. From his mother, brothers and sisters my father learned many personal reminiscences of his father and his exceptionally retentive memory enabled him to relate them accurately. I have often heard him relate the reminiscences given on that page by Mr. Howe." [End of Footnote]

John Adams, in a letter to his wife, speaks of Sherman as "That old Puritan, as honest as an angel, and as firm in the cause of Independence as Mt. Atlas."

But perhaps the most remarkable testimony to his character, one almost unexampled in the history of public men, is that paid to him by Oliver Ellsworth, himself one of the greatest men of his time,—Chief Justice of the United States, Envoy to France, leader in the Senate for the first twelve years of the Constitution, and author of the Judiciary Act. He had been on the Bench of the Superior Court of Connecticut, with Mr. Sherman, for many years. They served together in the Continental Congress, and in the Senate of the United States. They were together members of the Convention that framed the Constitution, and of the State Convention in Connecticut that adopted it. Chief Justice Ellsworth told John Adams that he had made Mr. Sherman his model in his youth. Mr. Adams adds: "Indeed I never knew two men more alike, except that the Chief Justice had the advantage of a liberal education, and somewhat more extensive reading. Mr. Sherman was born in the State of Massachusetts, and was one of the strongest and soundest pillars of the Revolution." It would be hard to find another case of life-long and intimate companionship between two public men where such a declaration by either of the other would not seem ludicrous.

He was the only person who signed all four of the great State Papers, to which the signatures of the delegates of the different Colonies were attached:

The Association of 1774;
The Articles of Confederation;
The Declaration of Independence, and
The Constitution of the United States.

Robert Morris signed three of them.

His tenacity, the independence of his judgment, and his influence over the great men with whom he was associated, is shown by four striking instances among many others where he succeeded in impressing his opinion on his associates.

First: It is well known that the dispute between the large States, who desired to have their votes in the National Legislature counted in proportion to numbers, and the small States, who desired to vote by States as equals, a dispute which nearly wrecked the attempt to frame a Constitution of the United States, arose in the Continental Congress, and gave rise to great controversy there when the Articles of Confederation were framed. Mr. Sherman was one of the Committee that framed those Articles, as he was afterward one of the Committee who reported the Declaration of Independence.

John Adams writes in his diary, that Mr. Sherman, in Committee of the Whole, moved August 1, 1776, that the vote be taken both ways, once according to numbers, and a second time, when the States should vote as equals.

This was, in substance, so far as the arrangement of political power was concerned, the plan of the Constitution. In the Constitutional Convention, Mr. Sherman first moved this plan, known as the Connecticut Compromise, and made the first argument in its support, to which his colleague, Oliver Ellsworth, afterward gave the weight of his powerful influence. The Convention afterward, almost in despair of any settlement of this vexed question, referred the matter to a grand committee, on which Mr. Ellsworth was originally named. But he withdrew from the committee, and Mr. Sherman took his place. Mr. Sherman had the parliamentary charge of the matter from the beginning, and at the close of the Convention, moved the provision that no State should be deprived of its equal vote without its consent.

When Mr. Sherman's known tenacity, and his influence over the great men with whom he was associated, testified to by so many of them, is borne in mind, it seems there can be no doubt that he is entitled to the chief credit of carrying out the scheme which he himself devised, and which, years before the Convention met, he himself first moved in the Continental Congress for which he made the first argument, and which was reported from the committee of which he was a member, representing the State which gave the name to the Compromise. His motion, which was adopted, that no State should be deprived of its equal vote in the Senate without its consent, made the equality secure.*

[Footnote]

* See Boutell's "Life of Roger Sherman," Lodge's "Flying Frigate, —Address on Ellsworth," Proceedings Am. Ant. Soc., October, 1902.
[End of Footnote]

Second: In 1774, when Mr. Adams was on his way to the Continental Congress in Philadelphia, he records in his diary that he met Roger Sherman at New Haven, who, he says, "is a solid and sensible man." Mr. Sherman said to him that he thought the Massachusetts patriots, especially Mr. Otis, in his argument for the Writs of Assistance, had given up the whole case when they admitted that Parliament had the power to legislate for the Colonies under any circumstances whatever. He lived to join in the report from the committee, and to sign the Declaration of Independence, which put the case on his ground. The Declaration of Independence does not recognize Parliament at all, except indirectly, when it says the King "has combined with others" to do the wrongs which are complained of.

Third: In 1752 the whole country was overrun with paper money. Mr. Sherman published in that year a little pamphlet, entitled, "A Caveat Against Injustice, or An Inquiry Into the Evil Consequences of a Fluctuating Medium of Exchange." He stated with great clearness and force the arguments which, unhappily, we have been compelled to repeat more than once in later generations. He denounced paper money as "a cheat, vexation, and snare, a medium whereby we are continually cheating and wronging one another in our dealings and commerce." He adds, "So long as we import so much more foreign goods than are necessary, and keep so many merchants and traders employed to procure and deal them out to us: a great part of which we might as well make among ourselves; and another great part of which we had much better be without, especially the spiritous liquors, of which vast quantities are consumed in the colony every year, unnecessarily, to the great destruction of estates, morals, healths and even the lives of many of the inhabitants,— I say, so long as these things are so, we shall spend a great part of our labor and substance for that which will not profit us. Whereas, if these things were reformed, the provisions and other commodities which we might have to export yearly, and which other governments are dependent upon us for, would procure us gold and silver abundantly sufficient for a medium of trade. And we might be as independent, flourishing and happy a colony as any in the British Dominions."

He lived to move in the Convention, and to procure its insertion in the Constitution, the clause that no State should make anything but gold and silver legal tender.

Fourth: Mr. Sherman took his seat in the Federal Convention May 30, 1787. Mr. Randolph's resolution, submitted on the 29th day of May, being before the Convention the next day, included the proposition that the National Legislature ought to be empowered to enjoy the legislative rights vested in Congress by the confederation, "and moreover to legislate in all cases in which the separate States are incompetent," —the question being whether the clause authorizing Congress to legislate in all cases in which the separate States are incompetent should be retained, every State in the Convention voted Aye, except Connecticut. Connecticut was divided. Ellsworth voted Aye, and Sherman, No.

Mr. Sherman lived, not only to sign a Constitution of limited powers, but himself to support the Tenth Article of Amendment thereto, which is as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The words "or to the people" were moved by Mr. Sherman after the original article was reported. So he saw clearly in the beginning, what no other member saw, the two great American principles, first that the National Government should be a Government of limited and delegated powers, and next, that there is a domain of legislation which the people have not delegated either to the National Government or to the States, and upon which no legislative power may rightfully enter.

I surely am not mistaken in thinking that even without the other services of a life devoted to the public, these four contributions to the Constitutional history of the country entitle Mr. Sherman to an honorable place in the grateful memory of his countrymen, and vindicate the tributes which I have cited from his illustrious contemporaries.

My grandmother, the daughter of Benjamin Prescott of Salem, was a woman of great intelligence and a great beauty in her time. She was once taken out to dinner by General Washington when he was President. Madam Hancock, whose husband had been President of the Continental Congress and Governor of Massachusetts, complained to General Washington's Secretary, Mr. Lear, that that honor belonged to her. The Secretary told General Washington, the next day, what she said. The General answered that it was his privilege to give his arm to the handsomest woman in the room. Whether the reply was communicated to Mrs. Hancock, or whether she was comforted by it, does not appear. General Washington had been a guest at my grandfather's house in my mother's childhood, and she had sat on his knee. She was then six years old. But she always remembered the occasion very vividly.

My grandfather was a friend of Lafayette, who mentions him in one of his letters, the original of which is in my possession. One of my mother's brothers, Lt. Colonel Isaac Sherman, led the advance at Princeton, and was himself intimate with Washington and Lafayette. He was a very brave officer and commanded a Connecticut regiment at the storming of Stony Point. He is honorably mentioned in Gen. Wayne's report of the action. Washington alludes to him in one of his letters to Lafayette, as one of his friends whom Lafayette will be glad to see if he will visit this country once more. There is, in the State Department, an amusing correspondence between Col. Sherman and Gen. Wayne, in which he complains that Mad Anthony does great injustice in his report to the soldiers from other States than Pennsylvania. Mad Anthony was mad at the letter. But after a rather significant request from Gen. Washington, he repaired the wrong.

Another of her brothers who died at the age of eighty-eight, when I was thirty years old, and at whose house I was often a visitor, spent three weeks as Washington's guest at Mount Vernon. Old Deacon Beers of New Haven, whom I knew in his old age, was one of the guard who had Andre in custody. During his captivity, Andre made a pen-and-ink likeness of himself, which he gave to Deacon Beers. It is now in the possession of Yale College.

I had from my mother the story of General Washington taking Chief Justice Ellsworth's twin children, one on each knee, and reciting to them the ballad of the Derbyshire Ram. This tradition has remained in the Ellsworth family. I have confirmed it by inquiry of the Rev. Mr. Wood, a grandson of Oliver Ellsworth, who died in Washington a few years ago.

Besides the uncle to whom I allude, who died in 1856, Judge Simeon Baldwin, who married two of my aunts, died in 1851, aged ninety. He was a Member of Congress in 1803-5, and was an intimate friend of Chancellor Kent, who was his classmate and chum in Yale, and was intimate with the Federalist leaders of the Hamilton party. I several times made visits in his household before his death. President Jeremiah Day, another uncle by marriage, was at the head of Yale for thirty years. He died in 1867, at the age of 94.

My mother's sister, Mrs. Jeremiah Evarts, was born January 28, 1774, and died in 1851, at the age of seventy-seven. She knew intimately many famous men and women of the Revolutionary period. Her husband was an intimate friend of John Jay. She had a great deal of the sprightly wit for which her son, William, was so famous. She was at home at the time of Washington's visit, then a child eleven years old, and opened the door for him when he took his leave. The General, who was very fond of children, put his hand on her head and said, "My little lady, I wish you a better office." She dropped a courtesy and answered, quick as lightning, "Yes, sir; to let you in."

Mrs. Evarts was a woman not only of sprightly wit, but of great beauty. She liked to tell in her old age of a dinner which John Hancock gave for her father and her, in Boston, when she was a girl. She described her dress with great minuteness, and added naively, "Didn't I look pretty?"

My mother, who was married in 1812, knew very intimately many of her father's and mother's old friends who had been distinguished in the public service in the Revolutionary period and the Administration of Washington and John Adams and Thomas Jefferson. She knew very well the family of John Jay. He and his wife were visitors at my grandmother's after their return from Spain. My mother was intimate in the household of Oliver Ellsworth as in a second home. His children were her playmates. She was also very intimate indeed with the family of Senator Hillhouse, whose daughter Mary was one of her dearest friends.

Senator Hillhouse held a very high place in the public life of Connecticut in his day. He was one of the friends of Hamilton, and one of the group of Federal statesmen of whom Hamilton was the leader. He was United States Senator for Connecticut from 1796 to 1810.

After she became a young lady, my mother, with Fanny Ellsworth, afterward Mrs. Wood, and Mary Hillhouse, daughter of the Senator, established a school to teach young colored children to read and sew. The colored people in New Haven were in a sad condition in those days. The law of the State made it a penal offence to teach a colored child to read. These girls violated the law. The public authorities interfered and threatened them with prosecution. But the young women were resolute. They insisted that they were performing a religious duty, and declared that they should disobey the law and take the consequences. A good deal of sympathy was aroused in their behalf. The New Haven authorities had to face the question whether they would imprison the daughter of a Signer of the Declaration of Independence, who had affixed his signature to the great affirmation that all men are created equal, the daughters of two Framers of the Constitution, and the daughter of James Hillhouse, then the foremost citizen of Connecticut, for teaching little children to read the Bible. They gave up the attempt. The school kept on and flourished. President Dwight raised a considerable fund for it by a course of lectures, and it continued down to within my own recollection. What became of the fund which was raised for its support I cannot tell.

Jeremiah Evarts was born February 13, 1781. He died May 10, 1831. He was the founder and Secretary of the American Board of Commissioners for Foreign Missions. He was one of the thirteen men who met in Samuel Dexter's office in 1812, to inaugurate the Temperance Reformation. The habit of excessive drinking was then almost universal in this country. Liquors and wines were freely used on social occasions, at weddings and at funerals. The clergyman staggered home from his round of pastoral calls, and the bearers partook of brandy or gin or rum in the room adjoining that where the coffin was placed ready for the funeral. A gentleman present said it was utterly impracticable to try and wean the American people from the habit of drinking. Jeremiah Evarts answered, "It is right, therefore practicable."

He was a Puritan of the old school. He made a vigorous but ineffectual attempt in Connecticut to enforce the Sunday laws. His death was caused by his exertions in resisting the removal of the Cherokee Indians from Georgia, a removal accomplished in violation of the Constitution and of public faith. The Supreme Court of the United States declared the law of Georgia unconstitutional. But Georgia defied the mandate of the Court, and it was never executed. The missionary agent was imprisoned and died of his confinement. Mr. Evarts said, "There is a court that has power to execute its judgments."

I told this story to Horace Maynard, an eminent member of Congress and a member of the Cabinet. Mr. Maynard said, "There was never a prophecy more terribly accomplished. The territory from which those Indians were unlawfully removed was the scene of the Battle of Missionary Ridge, which is not far from the grave of Worcester, the missionary who died in prison. That land was fairly drenched with blood and honeycombed with graves."

Mr. Evarts edited the *Panoplist*, a very able magazine which powerfully defended the old theology against the Unitarian movement, then at its height.

A well-known writer, Rev. Leonard W. Bacon, published a short time ago a sketch entitled, "The Greater Evarts," in which he contrasted the career of Jeremiah Evarts with that of his brilliant and delightful son. Whether that judgment shall stand we may know when the question is settled, which is to be answered in every generation, whether martyrdom be a failure.

Among the inmates of my grandfather's household in my mother's childhood and youth was Roger Minott Sherman. He was the son of the Reverend Josiah Sherman, my grandfather's brother, a clergyman of Woburn, Massachusetts, where Roger Minott was born. His father died in 1789. My grandfather took the boy into his household and educated him and treated him as a son, and just before his death gave him his watch, which is now in the possession of a son of General Sherman.

Roger Minott Sherman was unquestionably the ablest lawyer in New England who never obtained distinction in political life, and, with the exception of Daniel Webster and Jeremiah Mason and Rufus Choate, the ablest New England ever produced.*

[Footnote]

* See Appendix.

[End of Footnote]

Roger Minott Sherman's father died in 1789. The widow wrote to some of her friends to see what assistance could be obtained to enable her son to continue his studies at Yale. It was apparently in response to this appeal that Mr. Sherman wrote the following letter to his nephew.

NEW YORK, April 28, 1790.

Dear Nephew,—I would have you continue your studies and remain at my house as you have done hitherto. I hope you will be provided for so as to complete your education at College, and lay a foundation for future usefulness. When I return home I shall take such further order respecting it as may be proper. I shall afford you as much assistance as under my circumstances may be prudent.

I am your affectionate uncle,
ROGER SHERMAN.

Mr. Sherman died a year after his nephew graduated; but before he died he doubtless saw the promise of that distinguished career which added new lustre to the Sherman name.

It is a rather remarkable fact that my mother had such close relations to so many eminent lawyers. Her father, though his public duties prevented him from practising law very long, was a very great lawyer and judge. Her brother-in-law, Judge Baldwin, was an eminent Judge of the Connecticut Supreme Court. Her cousin, Roger Minott Sherman, as has just been said, was an inmate of her father's

household in her childhood, and was to her as a brother. She had, after his mother's death, the care of Senator Roger Sherman Baldwin, her nephew, who was for many years at the head of the Connecticut Bar. To her nephew, William M. Evarts, my father's house was as another home in his boyhood. He was the leading advocate of his time. Her son, E. R. Hoar, was Attorney General of the United States. And her husband was in his day one of the foremost advocates of Massachusetts. So, with a little alteration, the Greek epitaph of the woman who was the daughter, wife, sister and mother of princes, might apply to her, if, as I like to think, a first-rate American lawyer is entitled to as much respect as a petty Greek prince.

CHAPTER III SAMUEL HOAR

I was born in Concord August 29, 1826. My grandfather, two great-grandfathers, and three of my father's uncles were at Concord Bridge in the Lincoln Company, of which my grandfather, Samuel Hoar, whom I well remember, was lieutenant, on the 19th of April, 1775. The deposition of my great-grandfather, John Hoar, with a few others, relating to the events of that day, was taken by the patriots and sent to England by a fast-sailing ship, which reached London before the official news of the battle at Concord came from the British commander. John had previously been a soldier in the old French War and was a prisoner among the Indians for three months. His life was not a very conspicuous one. He had been a Selectman of Lexington, dwelling in the part of the town afterward incorporated with Lincoln. There is in existence a document manumitting his slave, which, I am happy to say, is the only existing evidence that any ancestor of mine ever owned one.

My father's grandfather, on the mother's side, was Colonel Abijah Peirce, of Lincoln. He was prominent in Middlesex County from a time preceding the Revolutionary War down to his death. He was one of the Committee of the Town who had charge of corresponding with other towns and with the Committee of Safety in Boston. The day before the battle at Concord Bridge, he had been chosen Colonel of a regiment of Minute Men. But he had not got his commission, taken the oath, or got his equipments. So he went into the battle as a private in the company in which his son-in-law was lieutenant, armed with nothing but a cane. After the first volley was exchanged he crossed the bridge and took the cartridge-box and musket of one of the two British soldiers who were killed, which he used during the day. The gun was preserved for a long time in his family, and came to my grandfather, after his death. It was the first trophy of the Revolutionary War taken in battle. Such things, however, were not prized in those days as they are now. One of my uncles lent the musket to one of his neighbors for the celebration of the taking of Cornwallis, and it never was brought back. We would give its weight in gold to get it back.

I will put on record two stories about Colonel Peirce, which have something of a superstitious quality in them. I have no doubt of their truth, as they come from persons absolutely truthful and not superstitious or credulous themselves.

When Colonel Peirce was seventy years old, he told his wife and my aunt, her granddaughter, from whom I heard the story, who was then a grown-up young woman, that he was going out to the barn and going up to the high beams. In those days the farmers' barns had the hay in bays on each side, and over the floor in the middle rails were laid across from one side to the other, on which corn-stalks, for bedding the cattle, and other light things were put. They urged him not to go, and said an old man like him should not take such risks; to which he replied by dancing a hornpipe in the room in their presence, showing something of that exhilaration of spirit which the Scotch called being "fey" and which they regard as a presage of approaching misfortune. He went out, and within a few minutes fell from the high beams down to the floor and was instantly killed.

The other story is that a little while before this happened he said that he thought he saw the dim and misty figure of a ship pass slowly from one side of the barn to the other, under the roof.

A like story is told of Abraham Lincoln; that he used to see a vision of a ship before any great event, and that it came to him the night before he died.

I asked Mr. Secretary Hay about the Lincoln anecdote and give his reply.

DEPARTMENT OF STATE, WASHINGTON, April 18, 1903.

Dear Senator Hoar:

You will find on page 281 of Volume 10 of "The Life of Lincoln," by Nicolay and Hay, all I know about the story.

General Grant, in an interview with the President, on the 14th of April—the day he was shot—expressed some anxiety as to the news from Sherman. "The President answered him in that singular

vein of poetic mysticism, which, though constantly held in check by his strong common sense, formed a remarkable element in his character. He assured Grant that the news would come soon and come favorable, for he had last night had his usual dream which preceded great events. He seemed to be, he said, in a singular and indescribable vessel, but always the same, moving with great rapidity towards a dark and indefinite shore. He had had this dream before Antietam, Murfreesboro, Gettysburg and Vicksburg."

The story is also found in George Eliot's Life (Vol. 3, 113), as related by Charles Dickens on the authority of Stanton, with characteristic amplifications.

Yours faithfully,
JOHN HAY.
The Honorable
George F. Hoar
United States Senate

My father, Samuel Hoar of Concord, was born in 1778 and died in 1856. He was one of the most eminent lawyers at the Massachusetts Bar. To this statement I can give better testimony than my own, in the following letter from the Honorable Eben F. Stone, late member of Congress from the Essex District.

WASHINGTON 9 March, '84.

My dear Mr. Hoar:

When I was a law student, I dined at Ipswich in our county, with the Judges of the Supreme Court and the members of the Essex Bar, who then had a room and a table by themselves. The conversation took a professional turn, and a good deal was said about Mr. Choate's great skill and success as an advocate. Judge Shaw then remarked that, sitting at nisi prius in different parts of the State, he had had an opportunity to compare the different lawyers who were distinguished for their success with juries, and that there was no man in the State, in his opinion, who had so much influence with a jury as Sam Hoar of Concord. This he ascribed not simply to his legal ability, but largely to the confidence the people had in his integrity and moral character.

Yours truly,
E. F. STONE.

Mr. Hoar was associated with Mr. Webster in the defence of Judge Prescott when he was impeached before the Senate of Massachusetts. He encountered Webster, and Choate, and Jeremiah Mason, and John Davis, and the elder Marcus Morton, and other giants of the Bar, in many a hard battle. Mr. Webster makes affectionate reference to him in a letter to my brother, now in existence. He was a member of the Harrisburg Convention which nominated General Harrison for the Presidency in 1839. He represented Concord in the Massachusetts Convention to Revise the Constitution, in 1820, in which convention his father, Samuel Hoar, represented Lincoln. When he first rose to speak in that body, John Adams said, "That young man reminds me of my old friend, Roger Sherman." He was a Federalist, afterward a Whig, and in the last years of his life a Republican.

Mr. Hoar succeeded Edward Everett as Representative in Congress from the Middlesex District in 1835. He served there but a single term. He made one speech, a Constitutional argument in support of the power of Congress to abolish slavery in the District of Columbia. He also took rather a prominent part in a discussion in which the Whig members complained of one of the rulings of the Democratic speaker.

His service was not long enough to gain for him any considerable national distinction. But that he made a good impression on the House appears from an extract of a letter I lately received from my classmate, Rev. Walter Mitchell, the author of the spirited and famous poem, "Tacking Ship off Fire Island." He says: "I heard your uncle, Mr. Eliot, say that when your father went to Congress the Southern members said, 'Where has this man been all his life, and why have we never heard of him? With us a man of his ability would be known all over the South.'"

My father retired from active practice at the Bar shortly after his return from Congress in 1837. In 1844 an event occurred which contributed largely to the bitter feeling between the two sections of the country, which brought on the Civil War.

As is well known, under the laws of South Carolina, colored seamen on ships that went into the port of Charleston were imprisoned during the stay of the ship, and sold to pay their jail fees if the ship went off and left them, or if the fees were not paid.

The Legislature of Massachusetts directed the Governor to employ counsel to test the constitutionality of these laws. No Southern lawyer of sufficient ability and distinction could be found who would undertake the duty. The Governor found it difficult to procure counsel who were in active practice. Mr. Hoar was led by a strong sense of duty to leave his retirement in his old age and undertake the delicate and dangerous mission. When he arrived in South Carolina and made known his errand, the people of the State, especially of the city of Charleston, were deeply excited. The Legislature passed angry resolutions, directing the Governor to expel from the State, "the Northern emissary" whose presence was deemed an insult. The mob of Charleston threatened to destroy the hotel where Mr. Hoar was staying. He was urged to leave the city, which he firmly and steadfastly refused to do. The mob were quieted by the assurances of leading gentlemen that Mr. Hoar would be removed. A deputation of seventy principal citizens waited upon him at his hotel and requested him to consent to depart. He had already declined the urgent request of Dr. Whittredge, an eminent physician, to withdraw and take refuge at his plantation, saying he was too old to run and could not go back to Massachusetts if he had returned without an attempt to discharge his duty. The committee told him that they had assured the people that he should be removed, and that he must choose between stepping voluntarily into a carriage and being taken to the boat, or being dragged by force. He then, and not until then, said he would go. He was taken by the committee to the boat, which sailed for Wilmington.

It has generally been said that Mr. Hoar was driven from Charleston by a mob. This I suppose to be technically true. But it is not true in the popular sense of the words. The committee of seventy, although they had no purpose of personal violence, other than to place one old gentleman in a carriage and take him to a boat, were, of course, in every legal sense a mob. But when that committee waited upon him the personal danger was over.

A solitary negative vote against the resolve of the Legislature directing Mr. Hoar to be expelled was cast by C. S. Memmenger, afterward Secretary of the Treasury of the Southern Confederacy. He is said to have been a Union man in 1832.

I was told by General Hurlburt of Illinois, a distinguished officer in the Civil War, and member of the national House of Representatives, that at the time of my father's mission to South Carolina, he was a law student in the office of James L. Petigru. Mr. Petigru, as is well known, was a Union man during the Civil War. Such, however, was the respect for his great ability and character that he was permitted to live in Charleston throughout the War. It is said that on one occasion while this strife was going on, a stranger in Charleston met Mr. Petigru in the street and asked him the way to the Insane Hospital. To this the old man answered by pointing north, south, east and west, and said, "You will find the Insane Hospital in every direction here."

According to General Hurlburt, Mr. Petigru had quietly organized a company of young men whom he could trust, who were ready, under his lead, to rescue Mr. Hoar and insure his personal safety if he were attacked by the mob.

John Quincy Adams says in his diary, speaking of the transaction: "I approved the whole of his conduct." Governor Briggs, in communicating the facts to the Legislature, says in a special message: "The conduct of Mr. Hoar under the circumstances seems to have been marked by that prudence, firmness and wisdom which have distinguished his character through his life." Mr. Emerson says, in a letter dated December 17, 1844:

"Mr. Hoar has just come home from Carolina, and gave me this morning a narrative of his visit. He had behaved admirably well, I judge, and there were fine heroic points in his story. One expression struck me, which, he said, he regretted a little afterward, as it might sound a little vapouring. A gentleman who was very much his friend called him into a private room to say that the danger from the populace had increased to such a degree that he must now insist on Mr. Hoar's leaving the city at once, and he showed him where he might procure a carriage and where he might safely stop on the way to his plantation, which he would reach the next morning. Mr. Hoar thanked him but told him again that he could not and would not go, and that he had rather his broken skull should be carried to Massachusetts by somebody else, than to carry it home safe himself whilst his duty required him to remain. The newspapers say, following the Charleston papers, that he consented to depart: this he did not, but in every instance refused,—to the Sheriff, and acting Mayor, to his friends, and to the committee of the S. C. Association, and only went when they came in crowds with carriages to conduct him to the boat, and go he must,—then he got into the coach himself, not thinking it proper to be dragged."

I add this letter from Dr. Edward Everett Hale.

39 HIGHLAND ST., ROXBURY, MASS., Mar. 13, 1884.

Dear Hoar:

Thank you very much for your memoir of your father. I was in Washington the day he and your sister came home from Charleston. I remember that Grinnell told me the news—and my first real feeling *in life* that there must be a war, was when Grinnell said on the Avenue: "I do not know but we may as well head the thing off now—and fight it out." The first public intelligence the North had of the matter was in my letter to the *Daily Advertiser*, which was reprinted in New York, their own correspondents not knowing of the expulsion.

Always yours,
EDW. E. HALE.

I have Dr. Vedder's permission to publish the accompanying correspondence, which so happily turns into a means of delightful reconciliation what has been so long, but can be no longer, a painful memory. I was received in Charleston with the delightful hospitality of which no other people in the world so fully understand the secret.

CHARLESTON, S. C., Oct. 20, 1898.
THE HONORABLE GEORGE F. HOAR.

Dear Sir:

We have a New England Society in Charleston which is now seventy- six years old. It has had a notable history, Daniel Webster having been among its annual orators. Its Forefathers' Anniversary is the social and literary event of our year. I write to extend the warm greeting of the Society to yourself, and the earnest request that you will be our guest at the banquet on Forefathers' Day Dec. 22, and speak to the sentiment— "The Day we Celebrate," or any other that you would prefer. Of course, it will be our privilege to make your coming wholly without cost to yourself. May I venture to urge that your presence with us will have a beautiful significance in its relation to the good feeling which so happily obtains in all our land, and a past event which associates your honored Father's name so memorably and sadly with our City? Charleston would fain give the honored Son a welcome which shall obliterate the past.

Hoping for a favorable and early reply, I remain,
Yours with great respect,
CHARLES S. VEDDER, *President*.

WORCESTER, MASS., October 26, 1898.

My Dear Sir:

I am sure you will not doubt that I feel myself highly honored by your invitation in behalf of the New England Society of Charleston, as I am deeply touched and gratified by what you say in the letter which conveys it. I thank God that I have lived to behold this day, and that my eyes have been spared to see the people of the whole country united again in affection as in the early time.

I hope and expect to be able to attend your banquet next Forefathers' Day. I will do so if the condition of the public business shall permit. I have the charge of the business of the Committee on the Judiciary, two of whose important members are now absent in Paris, and it is of course possible that some of the great questions which are before us may require constant attendance in their places of all the Senators during the next session without the possibility of interruption for a Christmas holiday. Subject to that possibility, I will accept your invitation, and am, with high regard,

Faithfully yours,
GEO. F. HOAR.

In 1850, after he had withdrawn from professional and public life, being then seventy-two years old, Mr. Hoar was sent to the House of Representatives, by the town of Concord, to oppose the removal of the courts from Concord. He was successful in the opposition. He had, during the winter, an opportunity to render a very important service to Harvard College. There was a vigorous and dangerous attempt to abolish the existing Corporation, and transfer the property and control of the College to a board of fifteen persons, to be chosen by the Legislature by joint ballot, one third to go out of office every second year. This measure was recommended in an elaborate report by Mr. Boutwell, an influential member of the House, chosen Governor at the next election, and advocated by Henry Wilson, afterward Senator and Vice-President, and by other gentlemen of great influence. All the members of the Corporation were Whigs in politics and Unitarians, a sect containing a very small proportion of the people of the State. The project to take the College from their control was very popular. The House

listened willingly to the able arguments with which the measure was introduced, and before Mr. Hoar spoke its opinion was unmistakable for the bill. He argued that the measure was in conflict with the Constitution of the United States, and defended the College with great earnestness from the charge that it had "failed to answer the just expectations of the public." The Boston *Daily Atlas*, edited by General Schouler, then a member of the House, said the next day of this speech: "The argument of Mr. Hoar was of transcendent excellence, and had a most overpowering effect upon the House. We regret that no report was made of it. It is a pity that so much learning, argument and eloquence should be lost."

This speech caused a revolution in the opinion of the body. The measure was referred to the next General Court. Mr. Hoar was employed by the Corporation as counsel to appear before the Legislature the next winter in its behalf. But the measure was never heard of afterward. Dr. Walker said of this occurrence, after his sententious fashion: "Other men have served the College; Samuel Hoar saved it."

The Board of Overseers, who have visitorial powers over the College, and whose concurrence is necessary to the election or appointment of officers, Professors and members of the Corporation, and who included for a long time the Governor, Lieutenant-Governor, and members of the Senate, had always been held to be the representative of the Commonwealth, although the members of the body who were not members *ex-officio* were elected by the Board itself.

A bill passed in 1851, to which no objection was made, vested the election of this body in the Legislature. But after a few years' trial, that was abandoned, and the members of the Overseers are now chosen by the Alumni of the College.

I shall speak in a later chapter of the foundation of the Free Soil Party. The call for the Convention held at Worcester on the 28th of June, 1848, addressed to all persons opposed to the election of Cass and Taylor, written by his son, E. R. Hoar, was headed by Mr. Hoar. He presided over the meeting, and delegates were elected to a National Convention to be held at Buffalo, which nominated Van Buren and Adams for President and Vice-President. This was the origin of the Republican party.

After 1848, Mr. Hoar did not relax his efforts to bring about a union of all parties in the North, in opposition to further encroachments of the slave power. In accomplishing this end, his age, the regard in which he was held by all classes of people, his known disinterestedness and independence, fitted him to exert a large influence. The Free Soil movement had led to the formation of a party in Massachusetts, small in numbers, but zealous, active, in earnest, containing many able leaders, eloquent orators, and vigorous writers. They had sent Charles Allen to the lower House of Congress, and Sumner and Rantoul to the Senate. But they had apparently made little impression on the national strength of either of the old parties.

In 1854, the passage of the measure known as the Kansas- Nebraska Bill afforded a new opportunity. A meeting of citizens of Concord appointed a committee, of which Mr. Hoar was Chairman, and A. G. Fay, Secretary, who called a meeting of prominent persons from different parts of the State to meet at the American House in Boston, to take measures for forming a new party and calling a State Convention. This Convention was held at Worcester on the 7th of September, and formed a party under the name of Republican, and nominated candidates for State offices. Its meeting has been claimed to be the foundation of the Republican party of Massachusetts, and its twenty- fifth anniversary was celebrated accordingly in 1879. But it effected little more than to change the name of the Free Soil party. Few Whigs or Democrats united to the movement. A secret organization called Americans, or Know-Nothings, swept the Commonwealth like a wave, electing all the State officers, and, with scarcely an exception, the entire Legislature.

The candidate for Governor nominated by the Republicans at Worcester, himself joined the Know-Nothings, and labored to defeat his own election.

The next year the attempt was more successful. On the 10th of August, 1855, a meeting without distinction of party was held at Chapman Hall, in Boston, which was addressed by Mr. Hoar, George Bliss, Franklin Dexter, William Brigham, Lyman Beecher, Richard H. Dana, Jr., Charles F. Adams, Henry Wilson, Stephen C. Phillips, and others. On the 30th of the same month, a meeting of conference committees was held, representing the American or Know-Nothing party, the Know-Somethings, an antislavery organization which had held a National Convention at Cleveland in June, and the Chapman Hall Convention. This conference appointed a committee of twenty-six to call a State Convention, at the head of which they placed Mr. Hoar. This State Convention was held at Worcester, nominated Julius Rockwell for Governor, and the organization which it created has constituted the Republican party of Massachusetts to the present day.

The part taken in calling this Convention, and in promoting the union which gave it birth, was Mr. Hoar's last important public service. His failing health prevented his taking an active share in the

Presidential campaign of 1856.

I prefer, in putting on record this brief estimate of a character which has been to me the principal object of reverence and honor in my life, to use the language of others, and not my own. From many tributes to my father's character, from persons more impartial than I can be, I have selected two or three.

I cannot quote at length Ralph Waldo Emerson's sketches of Mr. Hoar, who was his near neighbor and intimate personal friend for many years. They are noble and faithful as portraits of Van Dyke or Titian. One of them is a speech made in Concord town-meeting on the third day of November, 1856, the day after Mr. Hoar's death. The other was contributed to the *Unitarian Monthly Religious Magazine*, then edited by Rev. Dr. Huntington, afterward Bishop of New York. Mr. Emerson says in one of them: "His head, with singular grace in its lines, had a resemblance to the bust of Dante. He retained to the last the erectness of his tall but slender form, and not less the full strength of his mind. Such was, in old age, the beauty of his person and carriage, as if his mind radiated, and made the same impression of probity on all beholders."

He ends with this quatrain:

With beams December planets dart,
His cold eye truth and conduct scanned;
July was in his sunny heart,
October in his liberal hand.

The following is from a letter of Sherman Day, a man whose reputation for wisdom and integrity is among the treasures of California:

"BERKELEY, 23d May, 1884.
HON. GEO. FRISBIE HOAR,
U. S. Senate, Washington, D. C.

My Dear Sir:

"I was very much gratified to receive, some weeks since, a copy of your biographical sketch of your venerable father. It was the more precious to me because it awakened memories of my own early life; while it recalls the tall, the gentle and dignified figure and courteous demeanor of your father in his prime of life. I can remember being at your father's wedding at my grandmother's house when I was about 6-1/2 years old. Several years before you were born, I was at the Phillips Academy at Andover, and used occasionally to spend a vacation with my beloved aunt, who was a sort of mother to me in my earliest childhood. It was at her home that I first read Washington Irving's Sketch Book, then just appearing in separate numbers. I believe the book belonged to a law student of your father's, as your father had not yet taken to the reading of romances.

"My memory extends back to the organization of the Constitutional Convention of 1820. I well remember the venerable figure of John Adams, as he took the seat of honor at the right hand of the president, and I remember the sonorous voice of Josiah Quincy, the Secretary. I was staying at the house of Mr. Evarts, and remember your father's dining there, and discussing the deportment and characteristics of several of the more prominent members. Among them was the tall member from Worcester, Levi Lincoln, conspicuous by his drab overcoat, by his frequent speaking, and by his constantly moving about among the members. The member who made the most lasting impression on my memory was Daniel Webster. He was not yet forty years old, stalwart, black haired and black eyed, with a somewhat swarthy complexion; his manly beauty and his eloquence being alike objects of admiration. He had not attained that stoutness which his form assumed in later years. I could illustrate his appearance better to your brother, Edward, by asking him to recall Don Pablo de la Guerra of Santa Barbara, whom I deemed a very good type, *in appearance*, of Webster in the Convention of 1820."

George William Curtis came to know Mr. Hoar very well during his own life in Concord. He and his brother, Burrill, were almost daily visitors at our house:

WEST NEW BRIGHTON, STATEN ISLAND, N. Y.,
March 19, 1884.

My dear Mr. Hoar:

I thank you very much for a copy of your sketch of your father which vividly recalls him to me as I remember him in my Concord days long ago. I recollect that when I saw in Paris Couture's famous picture of the Decadence of the Romans, it was your father that I thought of as I saw the figures of the older Romans gazing reproachfully upon the revels. So he may have felt of his country as he died.

With great regard, very truly yours,
GEORGE WILLIAM CURTIS.

The following is from J. Evarts Greene, formerly editor of the Worcester *Spy*, and one of the ablest members of his profession in New England:

WORCESTER, Mar. 10, 1884.

My dear Mr. Hoar:

I want to thank you especially for the copy of the Memoir of your father, which I received to-day. I am exceedingly glad to have it on your account and his. He is the most venerable figure in my memory. He was always spoken of in our family with the highest respect, and few things have ever gratified me so much as his kindness to me on the occasion of my last visit to Concord during his lifetime. It was in 1850, I think, while I was in college and about fifteen years old. I had always held him in awe as the greatest and wisest man within my knowledge, and should have no more have thought of familiar conversation with him than with the Pope. But his grave and kindly courtesy, as he sat down with me after supper, though it did not quite put me at my ease, gave me courage to talk more freely than I had ever thought possible; and while my veneration for him was not diminished, I felt that there was no one now on earth that I need be afraid of.

Faithfully yours,
J. EVARTS GREENE.
The Hon. Geo. F. Hoar.

The following letter is from Professor Thatcher, the eminent Latin Professor of Yale:

NEW HAVEN, 14th March, 1884.
HONORABLE GEORGE F. HOAR.

My dear Senator:

I write simply but cordially to thank you for the copy of your venerated Father's Memoir which you have been so kind as to send to your cousin, Elizabeth. I have read it with the delight which must be common to all who read it. A life so qualified with the selectest traits of a great and gentle soul, so substantial with continual but full and unembarrassed labor, and so constantly influential for elevated and beneficent ends, with nothing discoverable in it to check its great drift and power,—such a life is an almost unequalled gift of God to such a community as his. There is a rare charm in the narrative, and one cannot help rejoicing that you have been able to gather together the recorded judgments of so many men whose judgments are worthy to be recorded,

I am, ever,
Very truly yours,
THOMAS A. THATCHER.

SENATE, WASHINGTON, March 9, 1884.

My dear Mr. Hoar:

I thank you very much for a copy of the Memoir of your father. It is a tribute to his worth and fame worthy of him and of yourself. I hardly know which most to admire, the character it portrays, or the filial piety it evinces.

It brings back very vividly the venerable form and the lovely character I met and revered in the Massachusetts Legislature when I was a young man, and have ever since held among the safest and best of the land. Permit me to count it my own best fortune that I can subscribe myself the colleague and friend of the son and biographer of Samuel Hoar.

Truly yours,
H. L. DAWES.
The Honorable Geo. F. Hoar,
Senate.

HONORABLE GEO. F. HOAR

Dear Sir

Thanks for the "Memoir of Samuel Hoar, by his Son, George

F. Hoar."

For years the character of this true man, as a noble, courageous, self-sacrificing and independent American citizen has commanded my profound admiration and respect, and I am greatly pleased to become more familiar with his life. Fortunately the facts of it need no ornamentation or partial painting by the Son, for the modesty of the latter would never have responded to any such necessity.

I am,
Very truly,
Yours, etc.
WM. P. FRYE.

LEICESTER, March 13/84.

Dear Mr. Hoar:

I cannot too much thank you for sending me the memoir—tho' so brief and exceedingly temperate—of your father.

He was one of the few men who kept Massachusetts and New England from rushing down the steep place and perishing in the waters, as the herd of swine was doing,—a son worthy of the Fathers of New England. I think of him as a kind of tall pillar, on a foundation of such granite solidity as to quiet all fears of possible moving therefrom. He was an example—and became by his S. Carolina mission a conspicuous one; by his attitude and demeanor, opposing the whole moral power of the North to the despotic and insolent assumptions of Slavery.

Yours very truly,
SAML MAY.

My father, in everything that related to his own conduct, was controlled by a more than Puritan austerity. He seemed to live for nothing but duty. Yet he was a man of strong affections, unlike what is generally deemed to be the character of the Puritan. He was gentle, tolerant, kindly and affectionate. He had all his life a large professional income. But he never seemed to care for money. In that respect he was like one who dwelt by the side of a pond, ready to dip up and to give its waters to any man who might thirst. He never wasted money, or spent it for any self-indulgence. But he was ready to share it with any deserving object. Starr King said of him that "he lived all the beatitudes daily."

Mr. Hoar was, I suppose, beyond all question, the highest authority in New England, indeed in the whole country, on the difficult and abstruse questions belonging to the law of water privileges and running streams. He was declared to be such by the late Judge Benjamin R. Curtis. The great Locks and Canals Company was organized and all the arrangements for the ownership, management and control of the water-power of Lowell were made under his advice and direction. The same methods have been followed in substance at Lawrence and Woonsocket and other manufacturing places.

He preserved his vigor of body until he entered his seventy- seventh year, taking walks of five or six miles without fatigue. About that time he took a severe cold at a neighbor's funeral. An illness followed which seriously impaired his strength. He died, November 2, 1856, two days before the Presidential election.

He was six feet three inches in height, erect, with fine gray hair, blue eyes, of graceful and dignified deportment, and of great courtesy, especially to women and children.

He held a few simple beliefs with undoubting faith. He submitted himself to the rule of life which followed from these, and rigorously exacted obedience to it from all for whom he was responsible. He accepted the exposition of Christian doctrine given by Dr. Channing. The Massachusetts Constitution of 1780 seemed to him a nearly perfect system of government. He earnestly resisted, in the Convention of 1820, the abolition of the property qualification for voters, and of the obligation of all citizens to be taxed for the support of religious worship. He took early and deep interest in the temperance reform, and gave much time, labor, and money to promote it. "The strength and beauty of the man," says Mr. Emerson, "lay in the natural goodness and justice of his mind, which in manhood and in old age, after dealing all his life with weighty private and public interests, left an infantile innocence of which we have no second or third example,—the strength of a chief united to the modesty of a child. He returned from the courts and Congresses to sit down with unaltered humility, in the church, or in the town-house, on the plain wooden bench, where Honor came and sat down beside him. He was a man in whom so rare a spirit of justice visibly dwelt, that, if one had met him in a cabin or in a court, he must still seem a public man answering as a sovereign state to sovereign state; and might easily suggest Milton's picture of John Bradshaw, —'that he was a consul from whom the fasces did not depart with the year, but in private seemed ever sitting in judgment on kings.'"

But he would have liked better than anything else what was said of him in his official report by the President of the College he loved with that deep affection which her children felt for her in his time. President Walker closes his annual report of December 31, 1856, as follows: "The undersigned could not conclude his report without allusion to the recent lamented death of the Honorable Samuel Hoar, a distinguished and justly influential member of this board,—venerable alike for his age and his virtues,—a devoted friend of the College which he has been able to serve in a thousand ways by the wisdom of his counsels and the weight of his character."

Mr. Hoar was naturally conservative, as would be expected as an old Federalist who was educated at Harvard in the beginning of the nineteenth century. His rules of public and private conduct were strict and austere. He applied them more strictly to himself than to others. His classmates in college used to call him Cato. He favored the suppression of the sale and use of intoxicating liquors, and desired that the whole force of the State should be brought to bear to accomplish that end. He was the inveterate foe of oppression, and in his later years, opposed every compromise with slavery. But he had no sympathy with reforms which seemed to him to be devised merely as political instruments to advance the fortunes of persons or parties.

He had a huge respect for John Quincy Adams, a respect which I have good reason to know was reciprocated. But he was by no means Mr. Adams's blind follower. The ex-President, I think about the year 1832, published a pamphlet in which he savagely attacked the Masonic Order. He met Mr. Hoar in Boston and asked him what he thought of it. Mr. Hoar answered: "It seems to me, Mr. Adams, there is but one thing in the world sillier than Masonry. That is Anti-Masonry."

Mr. Hoar used to relate with some amusement a dialogue he had with a shrewd and witty old lawyer named Josiah Adams, who shared the old Federalist dislike of his namesake, John Quincy Adams. My father was talking quite earnestly in a gathering of Middlesex lawyers and said: "I believe John Quincy Adams means to be a Christian." "When?" inquired Josiah.

But I cannot draw the portraiture of this noble and stately figure. George Herbert did it perfectly, long ago, in his poem, "Constancy."

Old Dr. Lyman Beecher, the foremost champion in his day of the old Orthodoxy, spent his life in combating what he deemed the pestilent Unitarian heresy. He was the most famous preacher in the country. Mr. Hoar was a pillar of Unitarianism. Yet the Doctor came to know and honor his old antagonist. He read in the Boston papers, late Saturday evening, that Mr. Hoar was dying at Concord. Early Sunday morning before daybreak he started, with his son-in-law, Professor Stowe, and drove twenty miles to Concord. He got there just after Mr. Hoar's death. He asked to go into the chamber where his old friend lay. My sister said: "Father would have been glad to see you, if he were alive." The Doctor gazed a moment, and then said: "He's passed safe over, I haven't a doubt of it. He was an Israelite indeed, in whom there was no guile."

CHAPTER IV BOYHOOD IN CONCORD

I have never got over being a boy. It does not seem likely that I ever shall. I have to-day, at the age of three score and sixteen, less sense of my own dignity than I had when at sixteen I walked for the first time into the College Chapel at Harvard, clad as the statute required, in a "black or black-mixed coat, with buttons of the same color," and the admiring world, with its eyes on the venerable freshman, seemed to me to be saying to itself, "Ecce caudam!" Behold the tail!

Most men are apt to exaggerate the merits of their birthplace. But I think everybody who knew the town will agree with me that there never was in the world a better example of a pure and beautiful democracy, in the highest sense of the term, than the town of Concord from 1826 to the close of the war. If there were any aristocracy, it was an aristocracy of personal worth. There was little wealth and little poverty. There were no costly dwellings and no hovels. There was no pride of wealth or of family. The richest man in town took an interest in the affairs of the poorest as in those of a kinsman. It never occurred to the poorest that he must, for that reason, doff his hat to any man.

The population was permanent, I suppose, as could have been found in any spot in Europe. Ninety-three of the inhabitants of the town, in 1654, signed a paper pledging their persons and estates to support the General Court in the contest with King Charles II. for the preservation of the Charter. Fourteen of their descendants, bearing the same names, were present at the Centennial Celebration in 1885, dwelling on the land which their ancestors occupied nearly 230 years before. There were 23 others whose descendants of the same name were dwelling at the time of the Centennial within the original limits of the town. A good many others were represented by female descendants. So that at least 50 of the 93 signers of the paper were represented in the assembly. A list of the names of the principal inhabitants of the town to-day would contain the names of a large number of the principal

inhabitants of any generation since its foundation.

They were of good English stock. Many of them were of gentle blood and entitled to bear coat armor at home. It is interesting to observe how little the character of the gentleman and gentlewoman in our New England people is affected by the pursuit, for generations, of humble occupations, which in other countries are deemed degrading. Our ancestors, during nearly two centuries of poverty which followed the first settlement, turned their hands to the humblest ways of getting a livelihood, became shoemakers, or blacksmiths or tailors, or did the hardest and most menial and rudest work of the farm, shoveled gravel or chopped wood, without any of the effect on their character which would be likely to be felt from the permanent pursuit of such an occupation in England or Germany. It was like a fishing party or a hunting party in the woods. When the necessity was over, and the man or the boy in any generation got a college education, or was called to take part in public affairs, he rose at once and easily to the demands of an exalted station. What is true of New England people in this respect is, I suppose, true of the whole country.

I wrote, a few years ago, an account of so much of my boyhood as elapsed before I went to college. Through the kindness of the proprietors of *The Youth's Companion*, I am permitted to print it here. I think, on the whole, that is better than to undertake to tell the story in other phraseology adapted to maturer readers. Indeed, I am not sure that the best examples of good English are not to be found in books written for children. When we have to tell a story to a small boy or girl, we avoid little pomposities, and seek for the plainest, clearest and most direct phrase.

I believe that boys nowadays are more manly and mature than they were in my time. Perhaps this is partly because the boys show more gravity in my presence, now I am an old man, than they did when I was a boy myself. But in giving an account of the life of a boy sixty years ago, I must describe it as I saw it, even if it appear altogether childish and undignified.

The life and character of a country are determined in a large degree by the sports of its boys. The Duke of Wellington used to say that the victory at Waterloo was won on the playing-fields at Eton. That is the best people where the boys are manly and where the men have a good deal of the boy in them.

Perhaps all my younger readers do not know how much that makes up, not only the luxury, but the comfort of life, has first come in within the memory of persons now living. The household life of my childhood was not much better in those respects than that of a well-to-do Roman or Greek. It had not improved a great deal for two thousand years. There were no house-warming furnaces, and stoves were almost unknown. There were no double windows, and the houses were warmed by open fires. There were no matches.

There were no water-pipes in the houses, and no provision was made for discharging sewage. There were no railroads, telegraphs or telephones. Letter postage to New York from Boston was twenty-five cents. None of the modern agricultural machinery then existed, not even good modern plows. Crops were planted by hand and cultivated with the hoe and spade. Vegetables were dug with the hoe, and hay and grain cut with the sickle or scythe. There were no ice-houses. The use of ice for keeping provisions or cooling water was unknown.

My father was well-to-do, and his household lived certainly as well as any family in the town of Concord, where I was born. I have no doubt a Roman boy two hundred years before Christ, or an Athenian boy four hundred years before Christ, lived quite as well as I did, if not better.

The boy got up in the morning and dressed himself in a room into which the cold air came through the cracks in the window. If the temperature were twenty degrees below zero outside, it was very little higher inside. If he were big enough to make the fires, he made his way down-stairs in the dark of a winter morning and found, if the fire had been properly raked up the night before, a few coals in the ashes in the kitchen fireplace. The last person who went to bed the night before had done exactly what Homer describes as the practice in Ulysses's time, when he tells us that Ulysses covered himself with leaves after he was washed ashore in Phaiakia:

"He lay down in the midst, heaping the fallen leaves above, as a man hides a brand in a dark bed of ashes, at some outlying farm where neighbors are not near, hoarding a seed of fire to save his seeking elsewhere."

But first he must get a light. Matches are not yet invented. So he takes from the shelf over the mantelpiece an old tin or brass candlestick with a piece of tallow candle in it, and with the tongs takes a coal from the ashes, and holds the candle wick against the coal and gives a few puffs with his breath. If he have good luck, he lights the wick, probably after many failures.

My mother had a very entertaining story connected with the old-fashioned way of getting a light. Old

Jeremiah Mason, who was probably the greatest lawyer we ever had in New England, unless we except Daniel Webster, studied law in my uncle's office and shared a room in his house with another law student. One April Fool's day the two young gentlemen went out late in the afternoon, and my aunt, a young unmarried girl who lived with her sister, and another girl, went into the room and took the old half-burnt candle out of the candlestick, cut a piece of turnip to resemble it, cut out a little piece like a wick at the end, blackened it with ink, and put it in the candlestick.

When Mr. Mason came in in the dark, he took a coal up with the tongs and put it against the wick, and puffed and puffed, until after a long and vexatious trial he discovered what was the matter. He said nothing but waited for his chum to come in, who went through the same trial. When they discovered the hoax they framed an elaborate complaint in legal jargon against the two roguish girls, and brought them to trial before a young lawyer of their acquaintance. The young ladies were found guilty and sentenced to pay as a fine a bowl of eggnog.

After getting his candle lighted, the boy takes dry kindling, which has been gathered the night before, and starts a fire. The next thing is to get some water. He is lucky if the water in the old cast-iron kettle which hangs on the crane in the fireplace be not frozen. As soon as the fire is started he goes outdoors to thaw out the pump, if they have a wooden pump. But that is all frozen up, and he has to get some hot water from this kettle to pour down over the piston till he can thaw it out. Sometimes he would have an old-fashioned well, sunk too low in the ground for the frost to reach it, and could get water with the old oaken bucket.

He brings in from out-of-doors a pail or two of water. If there has been a snow-storm the night before he has to shovel a path to the wood-shed, where he can get the day's supply of wood from outside, and then from the doors of the house out to the street. Meantime the woman whose duty it is to get breakfast makes her appearance.

The wooden pump, which took the place of the old well in many dooryards, was considered a great invention. We all looked with huge respect upon Sanford Adams of Concord, who invented it, and was known all over the country.

He was quite original in his way. The story used to be told of him that he called at my father's house one day to get some advice as to a matter of law. Father was at dinner and went to the door himself. Mr. Adams stated his case in a word or two as he stood on the door-step, to which father gave him his answer, the whole conversation not lasting more than two minutes.

He asked Mr. Hoar what he should pay, and father said, "Five dollars." Mr. Adams paid it at once, and father said, "By the way, there is a little trouble with my pump. It does not draw. Will you just look at it?" So Mr. Adams went around the corner of the shed, moved the handle of the pump, and put his hand down and fixed a little spigot which was in the side, which had got loose, and the pump worked perfectly. Father said, "Thank you, sir." To which Adams replied: "It will be five dollars, Mr. Hoar," and father gave him back the same bill he had just taken.

I am afraid the sympathy of the people who told the story was with the pump-maker and not with the lawyer.

The great kitchen fireplace presented a very cheerful appearance compared with the black range or stove of to-day. It was from six to eight or ten feet wide, with a great chimney. In many houses you could stand on the hearth and look up the chimney and see the stars on a winter night. Across the fireplace hung an iron crane, which swung on a hinge or pivot, from which hung a large number of what were called pothooks and trammels. From these were suspended the great kettles and little kettles and the griddles and pots and boilers for the cooking processes.

The roasting was done in a big "tin kitchen," which stood before the fire, in which meats or poultry were held by a large iron spit, which pierced them and which could be revolved to present one side after the other to the blaze. Sometimes there was a little clockwork which turned the spit automatically, but usually it was turned round from time to time by the cook. As you know, they used to have in England little dogs called turnspits, trained to turn a wheel for this purpose. A little door in the rear of this tin kitchen gave access for basting the meat. In the large trough at the bottom the gravy was caught.

No boy of that day will think there is any flavor like that of roast turkey and chicken or of the doughnuts and pancakes or griddle-cakes which were cooked by these open fires.

By the side of the fireplace, with a flue entering the chimney, was a great brick oven, big enough to bake all the bread needed by a large family for a week or ten days. The oven was heated by a brisk fire made of birch or maple or some very rapidly burning wood. When the coals were taken out, the bread

was put in, and the oven was shut with two iron doors. The baking-day was commonly Saturday.

When the bread was taken out Saturday afternoon it was usual to put in a large pot of beans for the Sunday dinner. They were left there all night and the oven was opened in the morning and enough came out for breakfast, when there was put into the oven a pot of Indian pudding, which was left with the rest of the beans for the Sunday dinner.

The parlor fire was a very beautiful sight, with the big logs and the sparkling walnut or oak wood blazing up. Some of the housekeepers of that time had a good deal of skill in arranging the wood in a fireplace so as to make of it a beautiful piece of architecture. Lowell describes these old fires very well in his ballad, "The Courtin'":

A fireplace filled the room's one side
With half a cord o'wood in—
There warn't no stoves (till comfort died)
To bake ye to a puddin'.

The wannut logs shot sparkles out
Towards the pootiest, bless her!
An' leetle flames danced all about
The chiny on the dresser.

Agin' the chimbley crooknecks hung,
An' in amongst 'em rusted
The old queen's arm thet Gran'ther Young
Fetched back from Concord busted.

We did not have fireplaces quite as large as this in my father's house, although they were common in the farmers' houses round about.

In the coldest weather the heat did not come out a great way from the hearth, and the whole family gathered close about the fire to keep warm. It was regarded as a great breach of good manners to go between any person and the fire. The fireplace was the centre of the household, and was regarded as the type and symbol of the home. The boys all understood the force of the line:

Strike for your altars and your fires!

I wonder if any of my readers nowadays would be stirred by an appeal to strike for his furnace or his air-tight stove.

Sunday was kept with Jewish strictness. The boys were not allowed to go out-of-doors except to church. They could not play at any game or talk about matters not pertaining to religion. They were not permitted to read any books except such as were "good for Sunday." There were very few religious story-books in those days, and what we had were of a dreary kind; so the boy's time hung heavy on his hands.

"Pilgrim's Progress," with its rude prints, was, however, a great resource. We conned it over and over again, and knew it by heart. An elder brother of mine who was very precocious was extremely fond of it, especially of the picture of the fight between Apollyon and Christian, where the fiend with his head covered with stiff, sharp bristles "straddled clear across the road," to stop Christian in his way. Old Dr. Lyman Beecher, who had his stiff gray hair cropped short all over his head, made a call at our house one afternoon. While he was waiting for my mother to come down, the little fellow came into the room and took a look up at the doctor, and then trotted round to the other side and looked up at him again. He said, "I think, sir, you look like Apollyon."

The doctor was infinitely amused at being compared to the personage of whom, in his own opinion and that of a good many other good people, he was then the most distinguished living antagonist.

The church was an old-fashioned wooden building, painted yellow, of Dutch architecture, with galleries on three sides, and on the fourth a pulpit with a great sounding-board over it, into which the minister got by quite a high flight of stairs. Just below the pulpit was the deacons' seat, where the four deacons sat in a row. The pews were old-fashioned square, high pews, reaching up almost to the top of the head of a boy ten years old when he was standing up.

The seats were without cushions and with hinges. When the people stood up for prayer the seats were turned up for greater convenience of standing, and when the prayer ended they came down all over the church with a slam, like a small cannonade.

One Sunday, in the middle of the sermon, the old minister, Doctor Ripley, stood up in the pulpit and said in a loud voice, "Simeon, come here. Take your hat and come here." Simeon was a small boy who lived in the doctor's family and sat in the gallery. We boys all supposed that Simeon had been playing in church, or had committed some terrible offence for which he was to be punished in sight of the whole congregation.

Simeon came down trembling and abashed, and the doctor told him to go home as fast as he could and get the Thanksgiving Proclamation. The doctor filled up the time as well he could with an enormously long prayer, until the boy got back. Simeon confessed to some of the boys that he had been engaged in some mischief just before he was called, and he was terribly afraid the doctor had caught him.

This old church with its tower, yellow spire, old clock and weathercock, seems to me as I look back on it to have been a very attractive piece of architecture. It was that church which suggested to Emerson the leading thought in one of his most famous poems, "The Problem."

In those days, when people were to be married the law required notice to be given of their intention by proclaiming it aloud in the church three Sundays in succession. So just before the service began, the old town clerk would get up and proclaim: "There is a marriage intended between Mr. John Brown of this town and Miss Sarah Smith of Sudbury," and there was great curiosity in the congregation to hear the announcement. The town clerk in my boyhood had been a wealthy old bachelor for whom the young ladies had set their caps in vain for two generations. One day he astonished the congregation by proclaiming: "There is a marriage intended between Dr. Abiel Keywood"—which was his own name—"and Miss Lucy P. Fay, both of Concord." That was before I can remember, as his boys were about my age.

Doctor Ripley, the minister in Concord, was an old man who had been settled there during the Revolutionary War and was over the parish sixty-two years. He was an excellent preacher and scholar, and his kindly despotism was submitted to by the whole town. His way of pronouncing would sound very queer now, though it was common then. I well remember his reading the lines of the hymn—

Let every critter jine
To praise the eternal God.

Scattered about the church were the good gray heads of many survivors of the Revolution—the men who had been at the bridge on the 19th of April, and who made the first armed resistance to the British power. They were very striking and venerable figures, with their queues and knee-breeches and shoes with shining buckles. Men were more particular about their apparel in those days than we are now. They had great stateliness of behavior, and admitted of little familiarity.

They had heard John Buttrick's order to fire, which marked the moment when our country was born. The order was given to British subjects. It was obeyed by American citizens. Among them was old Master Blood, who saw a ball strike the water when the British fired their first volley. I heard many of the old men tell their stories of the Battle of Concord, and of the capture of Burgoyne.

I lay down on the grass one summer afternoon, when old Amos Baker of Lincoln, who was in the Lincoln Company on the 19th of April, told me the whole story. He was very indignant at the claim that the Acton men marched first to attack the British because the others hesitated. He said, "It was because they had bagnets [bayonets]. The rest of us hadn't no bagnets."

One day a few years later, when I was in college, I walked up from Cambridge to Concord, through Lexington, and had a chat with old Jonathan Harrington by the roadside. He told me he was on the Common when the British Regulars fired upon the Lexington men. He did not tell me then the story which he told afterward at the great celebration at Concord in 1850. He and Amos Baker were the only survivors who were there that day. He said he was a boy about fifteen years old on April 19, 1775. He was a fifer in the company. He had been up the greater part of the night helping get the stores out of the way of the British, who were expected, and went to bed about three o'clock, very tired and sleepy. His mother came and pounded with her fist on the door of his chamber, and said, "Git up, Jonathan! The Reg'lars are comin' and somethin' must be done!"

Governor Briggs repeated this anecdote in the old man's presence at the Concord celebration in 1850. Charles Storey, a noted wit, father of the eminent lawyer, Moorfield Storey, sent up to the chair this toast: "When Jonathan Harrington got up in the morning on April 19, 1775, a near relative and namesake of his got up about the same time: Brother Jonathan. But his mother didn't call him."

A very curious and amusing incident is said, and I have no doubt truly, to have happened at this celebration. It shows how carefully the great orator, Edward Everett, looked out for the striking effects

in his speech. He turned in the midst of his speech to the seat where Amos Baker and Jonathan Harrington sat, and addressed them. At once they both stood up, and Mr. Everett said, with fine dramatic effect, "Sit, venerable friends. It is for us to stand in your presence."

After the proceedings were over, old Amos Baker was heard to say to somebody, "What do you suppose Squire Everett meant? He came to us before his speech and told us to stand up when he spoke to us, and when we stood up he told us to sit down."

So you will understand how few lives separate you from the time when our country was born, and the time when all our people were British subjects.

But to come back to our old meeting-house. The windows rattled in the winter, and the cold wind came in through the cracks. There was a stove which was rather a modern innovation; but it did little to temper the coldness of a day in midwinter. We used to carry to church a little foot-stove with a little tin pan in it, which we filled with coal from the stove in the meeting-house, and the ladies of the family would pass it round to each other to keep their toes from freezing; but the boys did not get much benefit from it.

They had good schools in Concord, and the boys generally were good scholars and read good books. So whenever they thought fit they could use as good language as anybody; but their speech with one another was in the racy, pithy Yankee dialect, which Lowell has made immortal in the "Biglow Papers." It was not always grammatical, but as well adapted for conveying wit and humor and shrewd sense as the Scotch of Burns.

The boys knew very well how to take the conceit or vanity out of their comrades. In the summer days all the boys of the village used to gather at a place on the river, known as Thayer's swimming-place, about half a mile from the town pump, which was the centre from which all distances were measured in those days. There was a little gravel beach where you could wade out a rod or two, and then for a rod or two the water was over the boy's head. It then became shallow again near the opposite bank. So it was a capital place to learn to swim.

After they came out, the boys would sit down on the bank and have a sort of boys' exchange, in which all matters of interest were talked over, and a great deal of good-natured chaff was exchanged. Any newcomer had to pass through an ordeal of this character, in which his temper and quality were thoroughly tried. I remember now an occasion which must have happened when I was not more than eight or ten years old, when a rather awkward-looking greenhorn had come down from New Hampshire and made his appearance at the swimming-place. The boys, one after another, tried him by putting mocking questions or attempting to humbug him with some large story. He received it all with patience and good nature until one remark seemed to sting him from his propriety. He turned with great dignity upon the offender, and said, "Was that you that spoke, or was it a punkin busted?" We all thought that it was well said, and took him into high favor.

I suppose the outdoor winter sports have not changed much since my childhood. The sluggish Concord River used to overflow its banks and cover the broad meadows for miles, where we found excellent skating, and where the water would be only a foot or two in depth. The boys could skate for ten miles to Billerica and ten miles back, hardly going over deep water, except at the bridges, the whole way.

Sleigh-riding was not then what it is now. There were a few large sleighs owned in the town which would hold thirty or forty persons, and once or twice in the winter the boys and girls would take a ride to some neighboring town when the sleighing was good.

The indoor games were marbles, checkers, backgammon, dominoes, hunt-the-slipper, blind-man's-buff, and in some houses, where they were not too strict, they played cards. High-low-jack, sometimes called all-fours or seven-up, everlasting and old maid were the chief games of cards. Most of these games have come down from a very early antiquity.

The summer outdoor games were mumble-the-peg, high-spy, snap-the-whip, a rather dangerous performance, in which a long row of boys, with the biggest boy at one end, and tapering down to the smallest at the other end, would run over a field or open space until suddenly the big boy would stop, turn half around, and stand still and hold fast with all his might. The result was that the boy next to him had to move a very little distance, but the little fellow at the end was compelled to describe a half-circle with great rapidity, and was sometimes hurled across the field, and brought up with a heavy fall. There were thread-the-needle, hunt-the-red-lion and football, played very much as it is now, except with less system and discipline, and various games of ball. These games of ball were much less scientific and difficult than the modern games. Chief were four-old-cat, three-old-cat, two-old-cat and base.

We had fewer studies at our school than now. The boy who did not go to college learned to read and write, perhaps an elementary history of the United States, and arithmetic, and occasionally made some little progress in algebra. On Saturdays we used to "speak pieces." Our favorites were some spirited lyric, like "Scots Wha Hae" or Pierpont's "Stand, the ground's your own, my braves," "The boy stood on the burning deck," and "Bernardo del Carpio." Sometimes, though not often, some comic piece was chosen, like Jack Downing's "Tax on Old Bachelors."

Those who fitted for college added Latin and Greek to these studies. The children were sent to school earlier than is the present fashion, and had long school hours and few vacations. There were four vacations in the year, of a week each, and three days at Thanksgiving time. Little account was made of Christmas. The fashion of Christmas presents was almost wholly unknown. The boys used to be allowed to go out of school to study in the warm summer days, and would find some place in a field, and sometimes up in the belfry of the little schoolhouse. I remember studying Caesar there with George Brooks, afterward judge, and reading with him an account of some battle where Caesar barely escaped being killed, on which Brooks's comment was "I wish to thunder he had been!"

I am afraid the boys did not respect the property of the owners of the neighboring apple orchards, as undoubtedly the better-trained boys of modern times do now. We understood the law to be that all apples that grew on the branches extending over the highway were public property, and I am afraid that when the owner was not about we were not very particular as to the boundary line. This seems to have been a trait of boy nature for generations. You know Sidney Smith's account of the habit of boys at his school to rob a neighboring orchard, until the farmer bought a large, savage bulldog for his protection. Some of the big boys told Sidney that if a boy would get down on his hands and knees and go backward toward the dog the dog would be frightened, and he could get the apples. He tried the experiment unsuccessfully, and with the result that concluded, as he says, that "it makes no difference to a bulldog which end of a boy he gets hold of, if he only gets a good hold."

The discipline of the schoolmaster in those days was pretty severe. For slight offences the boys were deprived of their recess or compelled to study for an hour after the school was dismissed. The chief weapon of torture was the ferule, to the efficacy of which I can testify from much personal knowledge. The master had in his desk, however, a cowhide for gross cases. I do not remember knowing how that felt from personal experience, but I remember very well seeing it applied occasionally to the big boys.

In the infant schools, which were kept by women, of course the discipline was not expected to be so severe. The schoolmistress in those days wore what was called a busk—a flat piece of lancewood, hornbeam, or some other like tough and elastic wood, thrust into a sort of pocket or sheath in her dress, which came up almost to the chin and came down below the waist. This was intended to preserve the straightness and grace of her figure. When the small boy misbehaved, the schoolma'am would unsheath this weapon, and for some time thereafter the culprit found sitting down exceedingly uncomfortable.

Sometimes the sole of the schoolmistress's slipper answered the same purpose, and sometimes a stick from some neighboring birch-tree. It all came to pretty much the same thing in the end. The schoolmistress knew well how to accomplish her purpose. There was a diversity of gifts but the same spirit.

We were put to school much earlier than children are now and were more advanced in our studies on the whole. I began to study Latin on my sixth birthday. When I was nine years old I was studying Greek, and had read several books of Virgil. We were not very thorough Latin scholars, even when we entered college, but could translate Virgil and Cicero and Caesar and easy Greek like Xenophon.

The boys occasionally formed military companies and played soldier, but these did not, so far as I remember, last very long. There was also a company of Indians, who dressed in long white shirts, with pieces of red flannel sewn on them. They had wooden spears. That was more successful, and lasted some time.

They were exceedingly fond of seeing the real soldiers. There were two full companies in Concord, the artillery and the light infantry. The artillery had two cannon captured from the British, which had been presented to the company by the legislature in honor of April 19, 1775. When these two companies paraded, they were followed by an admiring train of small boys all day long, if the boys could get out of school. I remember on one occasion there was a great rivalry between the companies, and one of them got the famous Brigade Band from Boston, and the other an equally famous band, called the Boston Brass Band, in which Edward Kendall, the great musician, was the player on the bugle. A very great day indeed was the muster-day, when sometimes an entire brigade would be called out for drill. These muster-days happened three or four times in my boyhood in Concord.

But the great day of all was what was called "Cornwallis," which was the anniversary of the capture

of Cornwallis at Yorktown. There were organized companies in uniform representing the British army and an equally large number of volunteers, generally in old-fashioned dress, and with such muskets and other accoutrements as they could pick up, who represented the American army. There was a parade and a sham fight which ended as all such fights, whether sham or real, should end, in a victory for the Americans, and Cornwallis and his troops were paraded, captive and ignominious. I quite agree with Hosea Biglow when he says, "There is a fun to a Cornwallis, though; I aint agoin' to deny it."

The boys cared little for politics, though they used to profess the faith of their fathers; but every boy sometimes imagined himself a soldier, and his highest conception of glory was to "lick the British." I remember walking home from school with a squad of little fellows at the time Andrew Jackson issued his famous message, when he threatened war if the French did not pay us our debt. We discussed the situation with great gravity, and concluded that if the French beat us, we should have a king to rule over us.

Besides the two military companies, there was another called the "Old Shad." The law required every able-bodied man of military age to turn out for military training and inspection on the last Wednesday in May; they turned out just to save the penalty of the law, and used to dress in old clothes, and their awkward evolutions were the object of great scorn to the small boy of the time.

The streets of Concord were made lively by the stage-coaches and numerous teams. There were four taverns in the town, all well patronized, with numerous sleeping-rooms. Two of them had large halls for dancing. A great many balls were given, to which persons came from the neighboring towns.

There was an excellent fiddler named John Wesson, who continued to give the benefit of his talent to all parties, public and private, down to the time of the war, when he said he would not play a dancing tune till the boys came home. He died soon after, and I do not know whether his music was ever heard again. These taverns were crowded with guests. One principal route for stages and teams to New Hampshire, Vermont and Canada passed through Concord.

There were several lines of stages, one from Lowell to Framingham, and two at least from Boston. The number of passengers, which now are all carried by rail, was so large that extras were frequently necessary. The teams were very often more than the barns of the taverns in the town could accommodate, and on summer nights the wagons would extend for long distances along the village street with horses tied behind them.

The sound of the toddy stick was hardly interrupted in the barroom inside from morning till night. The temperance reform had not made great headway in my youthful days. It was not uncommon to see farmers, bearing names highly respected in the town, lying drunk by the roadside on a summer afternoon, or staggering along the streets. The unpainted farmhouses and barns had their broken windows stuffed with old hats or garments. I have heard Nathan Brooks, who delivered the first temperance lecture in the town, at the request of the selectmen, say that after it was over he and the selectmen and some of the principal citizens went over to the tavern, and each took a mug of flip.

There were great quantities of huckleberries in the pastures about Concord, and the sweet high blackberries abounded by the roadside. There were plenty of chestnuts in the woods, and the walnut, or pig-nut, also abounded; so that berrying and nutting were favorite pastimes.

When I was a small boy a party of us went down to Walden woods, afterward so famous as the residence of Henry Thoreau. There was an old fellow named Tommy Wyman, who lived in a hut near the pond, who did not like the idea of having the huckleberry-fields near him invaded by the boys. He told us it was not safe for us to go there. He said there was an Indian doctor in the woods who caught small boys and cut out their livers to make medicine. We were terribly frightened, and all went home in a hurry.

When we got near the town, we met old John Thoreau, with his son Henry, and I remember his amusement when I told him the story. He said, "If I meet him, I will run this key down his throat," producing a key from his pocket. We reported the occurrence at the village store, but were unable to excite any interest in the subject.

Thanksgiving was then, as it is and ought to be now, the great day of the year. All the children were at home. The ambition of the head of the house was to get the largest turkey that money could buy. No Thanksgiving dinner was quite complete unless there were a baby on hand belonging to some branch of the family, no bigger than the turkey. The preparation for Thanksgiving was very interesting to the small boy mind. A boiled or roasted turkey, a pair of chickens, chicken pie, wonderful cranberry sauce, a plum pudding, and all manner of apple pies, mince pies, squash pies, pumpkin pies, and nuts, raisins, figs and noble apples made part of the feast. I suppose Thanksgiving customs have changed less than most others, except in one particular. I do not believe there is a small boy's stomach in this generation

that can hold a tenth part of what used to go into mine, not only on Thanksgiving day, but on the days before and after. The raisins were to be picked over, the nuts and citron got ready, when Thanksgiving was coming on, of all which we took abundant tolls. The cold and warmed-over dishes lasted through the rest of the week. I do not know what the Jewish festival or the old Roman banquets might have been, but they could not have equalled a New England Thanksgiving week in a house in the country.

The doctor in those days was a terror to the small boy. The horrible and nasty castor oil, ipecac and calomel, and the salts and senna, sulphur and molasses taken three mornings in succession and then missed three mornings, were worse than any sickness. Of the last I speak only from hearsay, not from personal knowledge. Then the cupping and bleeding were fearful things to go through or look upon. We had none of the sweet patent medicines that the children now cry for, and none of the smooth capsules or the pleasant comfits that turn medicine into confectionery nowadays.

The boys were not allowed in most families to read novels, even on week-days. My father had a great dislike of fiction of all sorts, and for a good while would not tolerate any novels in the house; but one winter day he went to Pepperell, in the northern part of the county, to try a case before a sheriff's jury. About the time the case got through there came up a sudden and violent snowstorm, which blocked up the road with deep drifts so that he could not get home for two or three days. He had to stay at a small country tavern, and the time hung very heavily on his hands.

He asked the landlord if he had any books. The only one he could find was a first volume of Scott's "Redgauntlet," which was just then being published in Boston by a bookseller named Parker, in what was called Parker's revised edition. Father read it with infinite delight. His eyes were opened to the excellence of Scott. He got home the next day at about noon, and immediately sent one of the children down to the circulating library to get the second volume. He subscribed to Parker's edition, and was a great lover of Scott ever after.

We were permitted, however, to read the "Tales of a Grandfather." I hope if any boy reads this book he will read the "Tales of a Grandfather," especially the parts which give the history of Scotland. It is a most interesting and noble story. I can remember now how the tears ran down my cheeks as I read Scott's description of finding the bones of Robert Bruce in the old abbey at Dunfermline:

"As the church would not hold half the numbers, the people were allowed to pass through it one after another, that each one, the poorest as well as the richest, might see all that remained of the great king, Robert Bruce. Many people shed tears; for there was the wasted skull which once was the head, that thought so wisely and boldly for his country's deliverance; and there was the dry bone which had once been the sturdy arm that killed Sir Henry de Bohun, between the two armies, at a single blow on the evening before the Battle of Bannockburn."

I account it one of the chief blessings of my life that my boyhood was spent in the pure, noble and simple society of the people of Concord. I am afraid I did not do it much credit then. Old Dr. Bartlett, one of the worthiest and kindest of men, but who always uttered what was in his heart, said after my two oldest brothers and I had grown up, that Samuel Hoar's boys used to be the three biggest rascals in Concord, but they all seemed to have turned out pretty well. I have so far kept this statement strictly from the knowledge of the Democratic papers. But I suppose it is too late to do any harm now.

CHAPTER V FAMOUS CONCORD MEN

There were in Concord in my boyhood three writers who afterward became very famous indeed—Emerson, Hawthorne and Thoreau. Mr. Lowell said that these three names shine among all others in American literature as the three blazing stars in the belt of Orion shine in the sky.

The town is represented in the beautiful building of the Congressional Library at Washington by busts of Emerson and Hawthorne on the outside front of the building; by Emerson's name on the mosaic ceiling in the entrance pavilion, and by three sentences from his writings inscribed on the walls. There are two out of eight such busts. It is also represented by two figures, a symbolic Statue of History, and a bronze Statue of Herodotus, both by Daniel Chester French, the sculptor, a Concord man.

Emerson came to live in Concord in the summer of 1835. Although he was born in Boston and went to school there, he belonged to the town by virtue of his descent from a race of Concord ministers who held the pulpit, with very brief intervals, from 1635 to 1841. But I do not think his influence upon the town was very great for the first fifteen or twenty years of his life there. Indeed, I think he would have said that the town had more influence upon him than he had upon it. The Concord people, like the general public, were slow in coming to know his great genius. He was highly respected always. But the people were at first puzzled by him. His life was somewhat secluded. He spent his days in study and in solitary walks. Until Mrs. Ripley came to the old manse, about 1846, Emerson had, I think, no intimate

friend outside of his own household, except my sister Elizabeth, who had been betrothed to his brother Charles, and was as a sister to Emerson until her death in 1878. A good many allusions to her will be found in his life and in his letters to Carlyle. After she died and shortly before his own death he appeared at my brother's house one day with a manuscript which he had handed to the Judge. He had gone over his diary for a great many years and extracted and copied everything in it which related to her.

He used to read lectures to the Lyceum, and in reading his books now I find a great many passages which I remember to have heard him read in my youthful days. In one of his lectures upon Plato, he said that he turned everything to the use of his philosophy, that "wife, children and friends were all ground into paint"—alluding to Washington Allston's story of the Paint King who married a lovely maiden that he might make paint of the beautiful color of her cheeks.

A worthy farmer's wife in the audience took this literally, and left the room in high dudgeon. She said she thought Waldo Emerson might be in better business than holding up to the people of Concord the example of a wicked man who ground his wife and children into paint.

In Emerson's later days he was undoubtedly a powerful educational influence in the town. He was a man of much public spirit. In his philosophy his "soul was like a star and dwelt apart."

But he had a heart full of human affections. He loved the town. He loved his country. He loved his family. He loved his neighbors and friends. He could be stirred deeply on fit occasions by righteous indignation. Some of the men who frequented the tavern, posted in the barroom a scurrilous libel upon old Dr. Bartlett, the venerable physician, who had incurred their hostility by his zeal in enforcing the prohibitory laws. Emerson heard of it and repaired to the spot and tore down the offensive paper with his own hand. After Wendell Phillips made an equally scurrilous attack on Judge Hoar, Emerson refused to take his hand.

In his lament for his beautiful boy he uttered the voice of parental sorrow in immortal accents. In the poems, "In Memoriam," and in "The Dirge," he records how lonely the lovely Concord Valley is to him since his brothers are gone as he wanders there in the long sunny afternoon:

Harken to you pine warbler,
Singing aloft in the tree!
Hearest thou, O, traveller,
What he singeth to me?

Not unless God made sharp thine ear
With sorrow such as mine,
Out of that delicate lay couldst thou
Its heavy tale divine.

But I think that the life of his younger brother Charles, though he died so early, was felt as an even greater force in Concord than that of Waldo.

I hope I may be pardoned if I put on record here a slight and imperfect tribute to the memory of Charles Emerson, who was betrothed to my eldest sister. It is nearly seventy years ago. Yet the sweet and tender romance is still fresh in my heart. He was a descendant of a race of Concord clergymen, including Peter Bulkeley, the founder of the town. He was born in Boston, but spent much of his youth in Concord in the household of Dr. Ripley, who was the second husband of the grandmother of the Emersons. He studied law partly at Cambridge Law School, partly in Daniel Webster's office in Boston, and afterward with my father in Concord. When my father took his seat in Congress, in 1835, Emerson succeeded to his office, and if he had lived would have succeeded to his practice. Waldo Emerson had left it on record that he was led to choose Concord as a dwelling-place to be near his brother. Waldo's house had been enlarged to make room for Charles and his bride under the same roof. The house was ready and the wedding near at hand when, in riding from Boston to Concord on top of the stage, Charles took a violent cold, which was followed by pleurisy and death. He was of a very sociable nature, knew all the town people, lectured before the Lyceum, had a class in the Sunday-school and used to speak in the Lyceum debates. He had a very pleasant wit. He was on the committee for the celebration of the settlement of the town in 1835, at the end of two hundred years, and about the same time was on a committee to attend the celebration at Acton, where the people claimed for themselves all the glory of the Concord Fight. He had thought it likely the Acton people would ask him to speak. But they did not. As he was riding back in the chaise, he said if they had asked him to speak, he had it in mind to give as a toast, "The blessed Memory of the Pilgrim Fathers, who first landed at Acton."

He was especially fond of boys, and they of him. When he died, every schoolboy thought he had lost a friend. One had a knife and another a book or a picture which he prized, and another a pair of skates

which Charles Emerson had given him. It may be a fond exaggeration, but I think he was the most brilliant intellect ever born in Massachusetts.

Mr. Webster, who was consulted as to where Emerson should settle, said, "Settle! Let him settle anywhere. Let him settle in the midst of the back woods of Maine, the clients will throng after him." Mr. Everett delivered an eloquent eulogy after his death, at the Phi Beta Kappa dinner at Harvard.

Dr. Holmes' exquisite tribute in his Phi Beta poems is well known:

Thou calm, chaste scholar! I can see thee now,
The first young laurels on thy pallid brow,
O'er thy slight figure floating lightly down
In graceful folds the academic gown,
On thy curled lip the classic lines that taught
How nice the mind that sculptured them with thought,
And triumph glistening in the clear blue eye,
Too bright to live,—but Oh! too fair to die.

Dr. Holmes also says in his last tribute to Waldo:

"Of Charles Chauncey, the youngest brother, I knew something in my college days. A beautiful, high-souled, pure, exquisitely delicate nature in a slight but finely wrought mortal frame, he was for me the very ideal of an embodied celestial intelligence. I may venture to mention a trivial circumstance, because it points to the character of his favorite reading, which was likely to be guided by the same tastes as his brother's, and may have been specially directed by him. Coming into my room one day, he took up a copy of Hazlitt's *British Poets*. He opened it to the poem of Andrew Marvell's, entitled, 'The Nymph Complaining for the Death of her Fawn,' which he read to me with delight irradiating his expressive features. The lines remained with me, or many of them, from that hour,—

Had it lived long, it would have been
Lilies without, roses within.

"I felt as many have felt after being with his brother, Ralph Waldo, that I had entertained an angel visitant. The fawn of Marvell's imagination survives in my memory as the fitting image to recall this beautiful youth; a soul glowing like the rose of morning with enthusiasm, a character white as the lilies in its purity."

The late Samuel May, who was in the class after Emerson's at Harvard, told me that the impression his character and person made upon the students of his time was so great that when he passed through the college yard, everybody turned to look after him, as in later days men looked after Webster when he passed down State Street.

The Rev. Joseph H. Cross, now (1903) still living, the oldest graduate of Harvard, was his classmate. I received this letter from him a few years ago:

66 BRADFORD ST., LAWRENCE,
January 8, 1897.
HON. G. F. HOAR,

Dear Sir:

Yours of 5th inst. is before me; and I am glad to remember my classmate Emerson and answer your inquiries. I knew that he studied law in your Honored Father's office, and was betrothed to your eldest sister.

Your first inquiry is "as to his looks." He was above medium height, well proportioned and straight as an arrow, brown hair and clear blue eyes, with fair complexion and handsome features. "His scholarship and talents," both of the highest order. The class regarded him as the first and best scholar, dignified and refined in manners, courteous and amiable in spirit. He had great influence in his own class, and was much esteemed and beloved by all. I think the impression he made upon all who knew him was that of a classical scholar and a perfect gentleman.

Dr. Channing said when he died that all New England mourned his loss.

Although Charles was seven years the younger, his brother Waldo speaks of him as his own master and teacher. The following letter was written by Waldo to his aunt Mary just after Charles's death. A part of it is printed in Cabot's *Biography*. Waldo and my sister, Elizabeth, heard of the extremity of his danger, and were on their way to see him, but arrived too late to find him alive.

"12 May.

"You have already heard that E. and I arrived too late to see Charles. He died on Monday afternoon, immediately after returning from a ride with Mother. He got out of the coach alone, walked up the steps and into the house without assistance, then sat down upon the stairs, fainted and never recovered. Yesterday afternoon we attended his funeral, and that is the end on this side Heaven, of his extraordinary promise, the union of such shining gifts,—grace and genius, and sense and virtue. What a loss is this to us all—to Elizabeth and Mother and you and me. In him I have lost all my society. I sought no other and formed my habits to live with him. I deferred to him on so many questions and trusted him more than myself, that I feel as if I had lost the best part of myself. In him were the foundations of so solid a confidence and friendship that all the years of life leaned upon him. His genius too was a fountain inexhaustible of thoughts and kept me ever curious and expectant. Nothing was too great, nothing too beautiful for his grasp or his expression, and as brilliant as his power of illustration was, he stuck like a mathematician to his truth and never added a syllable for display. I cannot tell you how much I have valued his conversation for these last two or three years, and he has never stopped growing, but has ripened from month to month. Indeed, the weight of his thoughts and the fresh and various forms in which he constantly clothed them has made Shakespeare more conceivable to me, as Shakespeare was almost the only genius whom he wholly loved. His taste was unerring. What he called good was good, but so severe was it that very few works and very few men could satisfy him, and this because his standard was a pure ideal beauty and he never forgot himself so far as to accept any lower actual one in lieu of it. But I must not begin yet to enumerate his perfections. I shall not know where to stop, and what would be bare truth to me would sound on paper like the fondest exaggeration.

"I mourn for the Commonwealth, which has lost before it yet had learned his name the promise of his eloquence and rare public gifts. He blessed himself that he had been bred from infancy as it were in the public eye, and he looked forward to the debates in the Senate on great political questions as to his fit and native element. And with reason, for in extempore debate his speech was music, and the precision, the flow and the elegance of his discourse equally excellent. Familiar as I was with his powers, when a year ago I first heard him take part in a debate, he surprised me with his success. He spoke so well that he was impatient of writing as not being a fit medium for him. I never shall hear such speaking as his, for his memory was a garden of immortal flowers, and all his reading came up to him as he talked, to clear, elevate and decorate the subject of his present thought. But I shall never have done describing, as I see well I shall never cease grieving as long as I am on the earth that he has left it. It seems no longer worth living in, if whatever delights us in it departs. He has quitted forever the apparent, the partial. He has gone to make acquaintance with the real, the good, the divine, and to find mates and co-operators such as we could not offer him."

Charles Emerson entered with zeal and sympathy into the daily life of the people of Concord. He delivered a few lectures, which were quite celebrated. Some of his manuscripts are in existence, and there is a boyish essay or two in the *Harvard Magazine*, one on Conversation and one on Friendship, which show a singular charm and simplicity of style. He wrote the epitaph on the tomb of Professor Ashmun at Mount Auburn, and a tribute to his friend, James Jackson, Jr., which is preserved in Jackson's memoir by his father.

Miss Martineau, in a chapter of her autobiography written in 1836, describes the feeling in Boston in regard to the opposition to slavery, which seems now incredible even to those who remember it. She says:

"The Emersons, for the adored Charles Emerson was living then, were not men to join an association for any object But at the time of the hubbub against me in Boston, Charles Emerson stood alone of a large company in defence of free thought and speech, and declared that he had rather see Boston in ashes than that I or anybody should be debarred in any way from perfectly free speech."

Robert C. Winthrop, who was Charles Emerson's intimate friend in boyhood, wrote for the *Advertiser* a beautiful obituary notice. He says: "Emerson was eminently a man of genius. We know not that in his riper years he ever wrote a line of poetry, but no one could have listened to him, either in private or public without feeling that he had a poet's power; while his prose composition was of so pure and finished a style as to show plainly that close perusal of the English Classics in which he so much delighted One opinion which Mr. Emerson had early formed, and which had he been spared to mature life might have contributed much to his eminence may, in the sad event which has occurred, have contracted the circle of his fame He had formed in his own mind a standard of education far beyond that which can be completed, even by the most faithful application, within the ordinary rounds of school and college—an education in which every man must be mainly his own master. In the work of this enlarged self-education he was engaged, and, until it was finished, he shrunk from the appearance of attempting to instruct others. He had in him all the elements which would have insured the success of early efforts at display—a fluent speech, a fine elocution, quick conception, a brilliant fancy. But his

ambition, . . . while it aspired to a lofty eminence, was content to see that eminence still in the distance." Mr. Winthrop adds, "Principle, unyielding and uncompromising principle, was the very breath of his soul, and pervaded and animated his whole intellectual system He openly professed what he believed, and he acted up to his professions. He not only held conscience the guide of his life, but he took care to school and discipline that conscience so that its dictates should always conform to truth, to duty, to the laws of God. He was an honorable, high-minded, virtuous man—a sincere and devout Christian He has fallen at the very gate of an honorable and eminent career, and a thousand hopes are buried in his grave."

A few years before Mr. Winthrop died I met him in Cambridge, at the Peabody Museum, of which we were both trustees. The trustees were gathered in their room waiting for the meeting to be called to order. Mr. Winthrop was talking about his college days. I asked him how it happened that there were so many distinguished persons, in various departments of excellence, who were graduated from Harvard about his time, in his class and in the few classes following and preceding. I said that sometimes there would be several orators, or eminent men of science, or eminent classical scholars, or eminent teachers, graduated about the same time, and their excellence would be attributed to some one instructor; but that in his time there seemed to be a crop of great men in all departments of life—in natural history, in the pulpit, the bar, in oratory, in literature, and in public life. Mr. Winthrop rose to his feet from this chair and brought his hand down with great emphasis on the table as he answered: "It was the influence of Charles Emerson, Sir."

Charles Emerson delivered just before his death a very beautiful and impressive lecture on Socrates. It was long remembered by the people of Concord. It is said that they who heard it never forgot his beautiful figure and glowing countenance as he ended a passage of great eloquence at the close of the lecture with the words,

"God for thee has done His part. Do thine."

Mr. Hawthorne had published some short stories which had already made his name quite celebrated, but his great fame was still to be gained. He was poor and had a good deal of difficulty in gaining a decent living for himself and his young wife. I will not undertake to repeat the story of his life which Hawthorne has told so beautifully in his "Mosses from an Old Manse." I knew Mrs. Hawthorne very well indeed. She was a great friend of my oldest sister and used to visit my father's house when I was a boy, before she was married. It was owing to that circumstance that the Hawthornes came to live in Concord. She was quite fond of me. I used to get strawberries and wild flowers for her, and she did me great honor to draw my portrait, which now, fortunately or unfortunately, is lost. I went up to the house while they were absent on their wedding journey when I was a boy of fourteen or fifteen to help put things in order for the reception of the young couple.

The furniture was very cheap; a good deal of it was made of common maple. But Mrs. Hawthorne, who was an artist, had decorated it by drawings and paintings on the backs of the chairs and on the bureaus and bedsteads. On the headboard of her bed was a beautiful copy, painted by herself, of Guido's Aurora, with its exquisite light figures and horses and youths and maidens flying through the air.

I never knew Hawthorne except as a stately figure, whom I saw sometimes in Concord streets and sometimes in his own home. He rarely, if ever, opened his lips in my hearing. He was always very silent, hardly spoke in the presence of any visitor with whom he was not very intimate. So far as I know he never visited at the houses of his neighbors and never went to town-meeting. The latter was a deadly sin in the eyes of his democratic neighbors. Mr. Emerson induced him, one evening, to be one of a small company at his house. But Hawthorne kept silent and at last went to the window and looked out at the stars. One of the ladies said to the person next her: "How well he rides his horses of the night." He was very fond of long walks, and of rowing on the river with Thoreau and Ellery Channing.

The Old Manse was built in 1759 by the Rev. Daniel Bliss for his daughter Phoebe on her marriage to the Rev. William Emerson. She was grandmother of Waldo Emerson. Her second husband was the Rev. Dr. Ripley.

I knew Henry Thoreau very intimately. I went to school with him when I was a little boy and he was a big one. Afterward I was a scholar in his school.

He was very fond of small boys, and used to take them out with him in his boat, and make bows and arrows for them, and take part in their games. He liked also to get a number of the little chaps of a Saturday afternoon and take them out in his boat, or for a long walk in the woods.

He knew the best places to find huckleberries and blackberries and chestnuts and lilies and cardinal

and other rare flowers. We used to call him Trainer Thoreau, because the boys called the soldiers the "trainers," and he had a long, measured stride and an erect carriage which made him seem something like a soldier, although he was short and rather ungainly in figure. He had a curved nose which reminded one a little of the beak of a parrot.

His real name was David Henry Thoreau, although he changed the order of his first two names afterward. He was a great finder of Indian arrow-heads, spear-heads, pestles, and other stone implements which the Indians had left behind them, of which there was great abundance in the Concord fields and meadows.

He knew the rare forest birds and all the ways of birds and wild animals. Naturalists commonly know birds and beasts and wild flowers as a surgeon who has dissected the human body, or perhaps sometimes a painter who has made pictures of them knows men and women. But he knew birds and beasts as one boy knows another—all their delightful little habits and fashions. He had the most wonderful good fortune. We used to say that if anything happened in the deep woods which only came about once in a hundred years, Henry Thoreau would be sure to be on the spot at the time and know the whole story.

It seemed that Nature could not raise
A plant in any secret place,
In quaking bog or snowy hill,
Beneath the grass that shades the rill,
Under the snow, between the rocks,
In damp fields known to bird and fox,
But he would come in the very hour
It opened in its virgin bower,
As if a sunbeam showed the place,
And tell its long-descended race.
It seemed as if the breezes brought him;
It seemed as if the sparrows taught him;
As if by secret sight he knew
Where, in the far fields, the orchis grew.
Many haps fall in the field
Seldom seen by wishful eyes,
But all her shows did Nature yield,
To please and win this pilgrim wise.
He saw the partridge drum in the woods;
He heard the woodcock's evening hymn;
He found the tawny thrushes' broods;
And the shy hawk did wait for him;
What others did at distance hear,
And guessed within the thicket's gloom,
Was shown to this philosopher,
And at his bidding seemed to come.

These lines fit Henry Thoreau exactly. Most people think Emerson had him in mind when he wrote them. But as a matter of fact, they were written before he knew Henry Thoreau.

I wonder how many know the woodcock's evening hymn. I have known many sportsmen and naturalists who never heard it or heard of it. When the female is on her nest the male woodcock flies straight up into the sky, folds his wings and falls down through the air, coming down within a foot or two of the nest from which he ascended, pouring out a beautiful song, which he never sings at any other time. He is said to be one of the best and sweetest of our song birds.

It is a singular fact that Emerson did not know Henry Thoreau until after Thoreau had been some years out of college. Henry walked to Boston, eighteen miles, to hear one of Emerson's lectures, and walked home again in the night after the lecture was over. Emerson heard of it, and invited him to come to his house and hear the lectures read there, which he did. People used to say that Thoreau imitated Emerson, and Lowell has made this charge in his satire, "A Fable for Critics";

There comes —, for instance; to see him's rare sport,
Tread in Emerson's tracks with legs painfully short.

I think there is nothing in it. Thoreau's style is certainly fresh and original. His tastes and thoughts are his own. His peculiarities of bearing and behavior came to him naturally from his ancestors of the isle of Guernsey.

I retained his friendship to his death. I have taken many a long walk with him. I used to go down to see him in the winter days in my vacations in his hut near Walden. He was capital company. He was a capital guide in the wood. He liked to take out the boys in his boat. He was fond of discoursing. I do not think he was vain. But he liked to do his thinking out loud, and expected that you should be an auditor rather than a companion.

I have heard Thoreau say in private a good many things which afterward appeared in his writings. One day when we were walking, he leaned his back against a rail fence and discoursed of the shortness of the time since the date fixed for the creation, measured by human lives. "Why," he said, "sixty old women like Nabby Kettle" (a very old woman in Concord), "taking hold of hands, would span the whole of it." He repeats this in one of his books, adding, "They would be but a small tea-party, but their gossip would make universal history."

Another man who was famous as a writer went to school and afterward tended store in Concord in my childhood. This was George H. Derby, better known as John Phoenix. He was also very fond of small boys. I remember his making me what I thought a wonderful and beautiful work of art, by taking a sheet of stiff paper of what was called elephant foolscap, and folding it into a very small square, and then with a penknife cutting out small figures of birds and beasts. When the sheet was opened again these were repeated all over the sheet, and made it appear like a piece of handsome lace.

He did not get along very well with his employer, who was a snug and avaricious person. He would go to Boston once a week to make his purchases, leaving Derby in charge of the store. Derby would lie down at full length on the counter, get a novel, and was then very unwilling to be disturbed to wait on customers. If a little girl came in with a tin kettle to get some molasses, he would say the molasses was all out, and they would have some more next week. So the employer found that some of his customers were a good deal annoyed.

Another rather famous writer who lived in Concord in my time was Mr. A. Bronson Alcott. He used to talk to the children in the Sunday-school, and occasionally would gather them together in the evening for a long discourse. I am ashamed to say that we thought Mr. Alcott rather stupid. He did not make any converts to his theories among the boys.

He once told us that it was wicked to eat animal food; that the animal had the same right to his life that we had to ours, and we had no right to destroy the lives of any of God's creatures for our own purposes. He lived only on vegetable food, as he told us. But he had on at the time a very comfortable pair of calfskin boots, and the boys could not reconcile his notion that it was wicked to kill animals to eat, with killing animals that he might wear their hides. When such inconsistencies were pointed out to him he gave a look of mild rebuke at the audacious offender, and went on with his discourse as if nothing had happened.

The people who do not think very much of Alcott ought to speak with a good deal of modesty when they remember how highly Emerson valued him, and how sure was Emerson's judgment; but certainly nobody will attribute to Alcott much of the logical faculty. Emerson told me once:

"I got together some people a little while ago to meet Alcott and hear him converse. I wanted them to know what a rare fellow he was. But we did not get along very well. Poor Alcott had a hard time. Theodore Parker came all stuck full of knives. He wound himself round Alcott like an anaconda; you could hear poor Alcott's bones crunch."

Margaret Fuller used to visit Concord a good deal, and at one time boarded in the village for several months.

She was very peculiar in her ways, and made people whom she did not like feel very uncomfortable in her presence. She was not generally popular, although the persons who knew her best valued her genius highly. But old Doctor Bartlett, a very excellent and kind old doctor, though rather gruff in manner, could not abide her.

About midnight one very dark, stormy night the doctor was called out of bed by a sharp knocking at the door. He got up and put his head out of the window, and said, "Who's there? What do you want?" He was answered by a voice in the darkness below, "Doctor, how much camphire can anybody take by mistake without its killing them?" To which the reply was, "Who's taken it?" And the answer was "Margaret Fuller." The doctor answered in great wrath, as he slammed down the window, and returned to bed: "A peck."

William Ellery Channing, the poet, was a constant visitor of my sister, and later of my brother Edward. He was a moody and solitary person, except in the company of a few close friends who testified to the charming and delightful quality of his companionship. I suppose his poems will outlast a

great many greater reputations. But they will always find very few readers in any generation.

Channing visited my elder sister almost every day or evening for a good while, but rarely remained more than two or three minutes if he found anybody else in the room.

George William Curtis, afterward the famous orator, and his brother, Burrill, occupied for a year or two a small farmhouse or hut, with one or two rooms in it, in Concord, on the Lincoln road. They had been at Brook Farm and came to Concord, I suppose attracted by Emerson. They came to my father's house during their stay there every afternoon, and their call was as much a regular incident of the day as any stated meal. Each of them was a boy of a very pleasant and delightful nature. I think if George Curtis had dwelt almost anywhere but in New York city, he would have been a very powerful influence in the public life of his generation. But he did not find any congenial associates in the men in New York who had any capacity to effect much good. His pure and lofty counsel fell unheeded upon the ears of his near neighbors, and the people of Massachusetts did not listen very patiently to lectures on political purity or reform in civil service from New York city.

I never maintained any considerable intimacy with Curtis, although I have a few letters from him, expressing his regard for some of my kindred or his interest and sympathy in something I had said or done. These I value exceedingly. One of the very last articles he wrote for *Harper's Weekly*, written just before his death, contains a far too kind estimate of my public service.

The Concord quality has come down with its people from the first settlement. The town was founded by Peter Bulkeley. He was a clergyman at Odell in Bedfordshire, where the church over which he was settled is still standing. He was a gentleman of good family and of a considerable estate which he spent for the benefit of the people whom he led into the wilderness. He encountered the hostility of Laud and, to use the phrase of that time, was "silenced for non-conformity." With Major Simon Willard, he made a bargain with the Indians, just to both parties, and with which both parties were perfectly satisfied, which rendered the name of Concord so appropriate, although in fact the name was given to the settlement before the company left Boston. That pulpit was occupied by Bulkeley and his descendants either by blood or marriage, from 1635 to 1696; from 1738 to 1841; and from 1882 to 1893.

I was able some forty years ago to settle in Concord a matter which had puzzled English historians, as to the legitimacy of the famous statesman and Chief Justice, Oliver St. John. Lord Campbell, in his "Lives of the Chief Justices," says: "It is a curious circumstance that there should be a dispute about the parentage of such a distinguished individual, who flourished so recently. Lord Clarendon, who knew him intimately from his youth, who practised with him in the Court of King's Bench, who sat in the House of Commons with him, and who was both associated with him and opposed to him in party strife, repeatedly represents him as illegitimate; and states that he was 'a natural son of the house of Bolingbroke.' Lord Bacon's account of his origin is equivocal—calling him 'a gentleman as it seems of an ancient house and name.' By genealogists and heralds a legitimate pedigree is assigned to him, deducing his descent in the right male line from William St. John, who came in with the Conqueror; but some of them describe him as the son of Sir John St. John, of Lydiard Tregose in Wiltshire, and others as the son of Oliver St. John of Cagshoe in Bedfordshire, and they differ equally respecting his mother. Lord Clarendon could hardly be mistaken on such a point, and I cannot help suspecting that the contrary assertions proceed from a desire to remove the bar sinister from the shield of a Chief Justice."

Lord Campbell has had diligent search made in the archives of Oxford and Lincoln's Inn, but does not find anything to change his opinion.

Fortunately we are able to settle the question about which Lord Campbell and Lord Bacon and Lord Clarendon were misled, in Old Concord. Peter Bulkeley was the uncle of Oliver St. John. He speaks of him in his will, and leaves him his Bible. Bulkeley's Gospel-Covenant, a book the substance of which was originally preached to his congregation, is dedicated to Oliver St. John. In the Epistle Dedicatory, he speaks of the pious and godly lives of St. John's parents, and alludes to the dying words of St. John's father as something which he and St. John had heard, but which was not known to other men. "I speak a mystery to others but not unto your Lordship."

So it is quite clear that St. John could not have been born out of wedlock, and the son of a man who had seduced the sister of this eminent and pious clergyman.

In Noble's "Memoirs of the Cromwell Family," published about seventy-five years after the death of St. John, he is said to be the son of Oliver St. John of Cagshoe in Bedfordshire.

When the "Lives of the Chief Justices" was first published, I wrote to Lord Campbell, telling him these facts, and received the following letter in reply:

LONDON, July 9th, 1861.

Sir

I thank you very sincerely for your interesting letter of December 13th, respecting Lord Chief Justice St. John. I think you establish his legitimacy quite satisfactorily and in any future edition of my Lives of the Chief Justices I shall certainly avail myself of your researches.

I have the honor to be

Sir

Your obliged and obedient Servant

CAMPBELL.

The Honorable

Geo. F. Hoar.

Something of Bulkeley's character may be gathered from this extract from the Gospel-Covenant, which Mr. Emerson, who was his descendant, loved to quote. Think of these words, uttered to his little congregation in the wilderness; the only company of white men in the Western Hemisphere who dwelt away from tide-water:

"And for ourselves, the people of New England, wee should in a speciall manner, labour to shine forth in holinesse above other people; we have that plenty and abundance of ordinances and meanes of grace as few people enjoy the like; wee are as a City set upon a hill, in the open view of all the earth, the eyes of the world are upon us, because wee professe ourselves to be a people in Covenant with God, and therefore not only the Lord our God, with whom we have made Covenant, but heaven and earth, Angels and men, that are witnesses of our profession, will cry shame upon us, if we walk contrary to the Covenant which we have professed to walk in; if we open the mouthes of men against our profession, by reason of the scandalousnesse of our lives, wee (of all men) shall have the greater sinne.

"To conclude, let us study so to walk, that this may be our excellency and dignity among the Nations of the world, among which we live; That they may be constrained to say of us, onely this people is wise, an holy and blessed people: that all that see us, may see and know that the name of the Lord is called upon us: and that we are the seed which the Lord hath blessed. Deut. 28. 10 Esay. 61. 9. There is no people but will strive to excell in something: what can we excell in if not in holinesse? If we look to number, we are the fewest; If to strength, we are the weakest; If to wealth and riches, we are the poorest of all the people of God throughout the whole world, we cannot excell (nor so much as equall) other people in these things; and if we come short in grace and holiness too, we are the most despicable people under heaven; our worldly dignitie is gone, if we lose the glory of grace too, then is the glory wholly departed from our Israel, and we are become vile; strive we therefore herein to excell, and suffer not this crown to be taken away from us: Be we a holy people, so shall we be honorable before God and precious in the eyes of his Saints."

To these eminent Concord authors should be added the name of William S. Robinson. He was one of the brightest and wittiest men of his time. He very seldom had praise for anybody, although for a few of his old Anti-Slavery friends he had a huge liking. When I was a little boy he was in a newspaper office in Concord, where he got most of his education. Afterward he was associated with William Schouler in editing the *Lowell Courier*, a Whig paper. When Schouler became editor of the *Atlas*, Robinson succeeded to the paper. But when the Free Soil movement came in, he would not flinch or abate a jot in his radical Anti-Slavery principles, which were not very agreeable to the proprietors of the cotton mills in Lowell, who depended both for their material and their market largely upon the South. Sumner described their alliance with their Southern customers as an alliance between the Lords of the Loom and the Lords of the Lash. So Robinson was compelled to give up his paper, in doing which he voluntarily embraced poverty instead of a certain and lucrative employment. He started an Anti-Slavery weekly paper in Lowell known as the *Lowell American*. That afforded him a bare and difficult living for a few years. After the Anti-Slavery people got into power he was made Clerk of the Massachusetts House of Representatives. Then he began to write his famous letters to the *Springfield Republican*, which he signed Warrington. They were full of wit and wisdom and displayed great knowledge of the best English literature. He made many enemies and finally, by a concert among them, was turned out of office. He lost his health not long after, and died prematurely.

He was quite unsparing in his attacks on anybody who offended him, or against whom he took a dislike; and he seemed to dislike everybody whom he did not know. It was said of him that, like the rain of Heaven, he "fell alike on the just and on the unjust." He attacked some of the most venerable and worthy citizens of the Commonwealth without any apparent reason. He used to call Chief Justice Chapman, one of the worthiest and kindest of men, Chief Justice Wheelgrease. He had a controversy in his paper of long standing with a man named Piper, a pompous and self-important little personage, who edited the *Fitchburg Reveille*. That was a Whig paper which circulated in the country towns where Robinson's paper was chiefly taken. He made poor Piper's life unhappy. One of the issues of his paper

contained a life of Piper. It begun by saying that Piper began life as the driver of a fish-cart in Marblehead, and that he was discharged by his employer on account of the diffuseness of his style. He quoted with great effect on Otis P. Lord the toast given by the Court Jester of Archbishop Laud's time: "Great Laud be to God, and Little Lord to the Devil."

When he was clerk of the House of Representatives there was a story in the newspapers that he was preparing a treatise on Parliamentary law. He published a letter denying the statement. But he added, that if he did write such a treatise, he should sum it up in one sentence: "Never have an ass in the chair."

I was associated with him one day on the Committee on Resolutions of the Republican State Convention, held in Worcester. The Committee went over to my office to consult. While we were talking together Robinson broke out with his accustomed objurgations levelled at several very worthy and excellent men. I said: "William, it is fortunate that you did not live in the Revolutionary time. How you would have hated General Washington." He replied, with a smile that indicated the gratification he would have had if he could have got at him: "He was an old humbug, wasn't he?"

But Robinson was always on the righteous side of any question involving righteousness. He was kind, generous, absolutely disinterested, and a great and beneficent power in the Commonwealth.

CHAPTER VI FARM AND SCHOOL

I spent my life in Concord until I entered college except one year when I lived on a farm in Lincoln. There I had an opportunity to see at its best the character of the New England farmer, a character which has impressed itself so strongly and so beneficently on our history. Deacon James Farrar, for whom I worked, was, I believe, the fifth in descent from George Farrar, one of the founders of the town of Lincoln. All these generations dwelt on the same farm and under the same roof. An ancient forest came to a point not far from the house. That, with a large river meadow and some fertile upland fields, made up the farm. In every generation one or more of the family had gone to college and had become eminent in professional life, while one of them had stayed at home and carried on the farm. An uncle of the Deacon with whom I lived was Timothy Farrar of New Ipswich, an eminent judge who died considerably more than a hundred years old, and who was the oldest graduate of Harvard. Deacon James's own brother was Professor John Farrar of Harvard, a famous mathematician in his day, thought by his pupils to be the most eloquent man of his time, although Webster and Everett and Channing were his cotemporaries. It was a healthy and simple life of plain living and high thinking. But I think I got more good out of it in learning how the best intelligence of the State of Massachusetts was likely to judge of the questions of morals and duty than I got afterward from my four years in college. Two of the Deacon's sons succeeded him on the farm. One was his successor in his office in the church. Another son, George Farrar, graduated at Amherst where he was cotemporary with Dr. Storrs and Henry Ward Beecher. He died a few years after his admission to the Bar. But he had already given proof that he would, if he had lived, have taken rank among the foremost at the Bar in Massachusetts.

Before entering college I was for about six months a pupil of Mrs. Sarah Ripley of Waltham. She removed to Concord with her husband afterward. She was one of the most wonderful scholars of her time, or indeed of any time. President Everett said she could fill any professor's chair at Harvard. She was an admirable mathematician. She read the "Mecanique Celeste" of Laplace in the original without the aid of Dr. Bowditch's translation. She was a fine German and Italian scholar. She had a great fondness for Greek literature, especially for Plato and AEschylus. She was an accomplished naturalist. She was simple as a child, an admirable wife and mother, performing perfectly all the commonest duties of the household. The authorities of Harvard used to send boys to her who were rusticated for some offence. She would keep them along in all their studies, in most cases better instructed than they would have been if they had stayed in Cambridge. I remember her now with the strongest feeling of reverence, affection and gratitude. In that I say what every other pupil of hers would say. I do not think she ever knew how much her boys loved her.

In 1876 the Directors of the Centennial Exposition at Philadelphia took steps to have the lives of three or four of the foremost women of the century that had just passed written as the best examples of American womanhood for our first century. Mrs. Schuyler was selected from New York, Mrs. Livermore from New Hampshire, and Mrs. Randolph from Virginia. Mrs. Ripley was chosen as the representative of Massachusetts. If anybody doubt the capacity of the intellect of woman to rival that of man in any calling requiring the highest intellectual capacity, without in the least forfeiting any quality of a delicate womanhood, let him read the "Life of Sarah Ripley."

After her death Mr. Emerson wrote the following notice of her. It is not found in his collected works.

"Died in Concord, Massachusetts, on the 26th of July, 1867, Mrs. Sarah Alden Ripley, aged seventy-

four years. The death of this lady, widely known and beloved, will be sincerely deplored by many persons scattered in distant parts of the country, who have known her rare accomplishments and the singular loveliness of her character. A lineal descendant of the first governor of Plymouth Colony, she was happily born and bred. Her father, Gamaliel Bradford, was a sea-captain of marked ability, with heroic traits which old men will still remember, and though a man of action yet adding a taste for letters. Her brothers, younger than herself, were scholars, but her own taste for study was even more decided. At a time when perhaps no other young woman read Greek, she acquired the language with ease and read Plato,—adding soon the advantage of German commentators.

"After her marriage, when her husband, the well-known clergyman of Waltham, received boys in his house to be fitted for college, she assumed the advanced instruction in Greek and Latin, and did not fail to turn it to account by extending her studies in both languages. It soon happened that students from Cambridge were put under her private instruction and oversight. If the young men shared her delight in the book, she was interested at once to lead them to higher steps and more difficult but not less engaging authors, and they soon learned to prize the new world of thought and history thus opened. Her best pupils became her lasting friends. She became one of the best Greek scholars in the country, and continued, in her latest years, the habit of reading Homer, the tragedians, and Plato. But her studies took a wide range in mathematics, in natural philosophy, in psychology, in theology, as well as in ancient and modern literature. She had always a keen ear open to whatever new facts astronomy, chemistry, of the theories of light and heat had to furnish. Any knowledge, all knowledge was welcome. Her stores increased day by day. She was absolutely without pedantry. Nobody ever heard of her learning until a necessity came for its use, and then nothing could be more simple than her solution of the problem proposed to her. The most intellectual gladly conversed with one whose knowledge, however rich and varied, was always with her only the means of new acquisition. Meantime her mind was purely receptive. She had no ambition to propound a theory, or to write her own name on any book, or plant, or opinion. Her delight in books was not tainted by any wish to shine, or any appetite for praise or influence. She seldom and unwillingly used a pen, and only for necessity or affection.

"But this wide and successful study was, during all the hours of middle life, only the work of hours stolen from sleep, or was combined with some household task which occupied the hands and left the eyes free. She was faithful to all the duties of wife and mother in a well-ordered and eminently hospitable household, wherein she was dearly loved, and where

'her heart Life's lowliest duties on itself did lay.'

"She was not only the most amiable, but the tenderest of women, wholly sincere, thoughtful for others, and, though careless of appearances, submitting with docility to the better arrangements with which her children or friends insisted on supplementing her own negligence of dress; for her own part indulging her children in the greatest freedom, assured that their own reflection, as it opened, would supply all needed checks. She was absolutely without appetite for luxury, or display, or praise, or influence, with entire indifference to trifles. Not long before her marriage, one of her intimate friends in the city, whose family were removing, proposed to her to go with her to the new house, and, taking some articles in her own hand, by way of trial artfully put into her hand a broom, whilst she kept her in free conversation on some speculative points, and this she faithfully carried across Boston Common, from Summer Street to Hancock Street, without hesitation or remark.

"Though entirely domestic in her habit and inclination, she was everywhere a welcome visitor, and a favorite of society, when she rarely entered it. The elegance of her tastes recommended her to the elegant, who were swift to distinguish her as they found her simple manners faultless. With her singular simplicity and purity, such as society could not spoil, nor much affect, she was only entertained by it, and really went into it as children into a theatre,—to be diverted,—while her ready sympathy enjoyed whatever beauty of person, manners, or ornament it had to show. If there was conversation, if there were thought or learning, her interest was commanded, and she gave herself up to the happiness of the hour.

"As she advanced in life, her personal beauty, not remarked in her youth, drew the notice of all, and age brought no fault but the brief decay and eclipse of her intellectual powers."

In 1833, three years before Emerson wrote "Nature," Mrs. Ripley said of him: "We regard him still, more than ever, as the apostle of the Eternal Reason. We do not like to hear the crows, as Pindar says, caw at the bird of Jove."*

[Footnote] * On the stone which marks Mrs. Ripley's grave in the beautiful cemetery at Concord, her children placed an inscription containing a part of the passage with which Tacitus ends his *Life of Agricola*. "It was a passage which was specially dear to her," says her biographer; "many of her friends will recall the fine glow of feeling with which she read or quoted it; and to these it will always be associated with her memory. I cannot better close this imperfect sketch of her life than by giving the

whole of it: of no one was it ever more worthily spoken than of her. The words enclosed in brackets are those which are on her gravestone."

"Si quis piorum manibus locus; si, ut sapientibus placet, non cum corpore exstinguunter magna animae; (placide quescas, nosque, domum tuam, ab tuarum voces, quas neque lugeri neque plangi fas est: admiratione te potius, temporalibus laudibus, et, si natura suppedit, similitudine decoremus.) Is verus honos, ea conjunctissimi cujusque pietas. Id filiae quoque uxorique praeceperim, sic patris, sic mariti memoriam venerari, ut omnia facta dictaque ejus secum revlvant; famamque ac figuram animi magis quam corporis complectantur: non quia intercedendum putem imaginibus, quae marmore aut aere finguntur, sed ut vultus hominum, ita simulacra vultus imbecilla ne mortalia sunt, forma mentis aeterna, quam tenere et exprimere non per alienam materiam et artem, sed tuis ipse moribus possis. Quidquid ex Agricola amavimus, quidquid mirati sumus, manet mansurumque est in animis hominum, in aeternitate temporum, fama rerum. Nam multos veterum, velut inglorios et ignobiles oblivio obruet: Agricola posteritati narratus et superstes erit." [End of Footnote]

CHAPTER VII HARVARD SIXTY YEARS AGO

I do not think Harvard College had changed very much when I entered it on my sixteenth birthday in the year 1842 either in manners, character of students or teachers, or the course of instruction, for nearly a century. There were some elementary lectures and recitations in astronomy and mechanics. There was a short course of lectures on chemistry, accompanied by exhibiting a few experiments. But the students had no opportunity for laboratory work. There was a delightful course of instruction from Dr. Walker in ethics and metaphysics. The college had rejected the old Calvinistic creed of New England and substituted in its stead the strict Unitarianism of Dr. Ware and Andrews Norton,—a creed in its substance hardly more tolerant or liberal than that which it had supplanted. There was also some instruction in modern languages,—German, French and Italian,—all of very slight value. But the substance of the instruction consisted in learning to translate rather easy Latin and Greek, writing Latin, and courses in algebra and geometry not very far advanced.

The conditions of admission were quite easy. They were such as a boy of fourteen of good capacity, who could read and write the English language and had gone through some simple book of arithmetic, could easily master in two years. There were three or four schools where the boys were pretty well fitted, so that they could translate Cicero and Virgil, Nepos and Sallust and Caesar and Xenophon and Homer. The Boston Latin School, the Roxbury Latin School, Phillips Academy at Exeter and Phillips Academy at Andover and Mrs. Ripley's school at Waltham were the best schools for this purpose. The boys from the Boston Latin School generally took their places at the head of the class when they entered. Next came the best scholars from the other schools I have named. But the bulk of the pupils were very poorly fitted.

There was, as it seems to me in looking back, little instruction of much value. The good scholars and the bad went to the recitation together. The good ones lost the hour, and the poor scholars got the benefit of hearing the good ones recite. Their mistakes were corrected by the professor. They handed in written exercises in Latin and Greek which were examined by the instructor and the faults corrected, and returned. There were, during the last three years, declamations once a month, where the boy recited some piece of prose or poetry in the presence of the class, but got very little instruction or criticism from the professor. Then, in the last three years, English themes were required. The subjects were given out by Professor Channing, himself a most accomplished and admirable scholar in his line. He seemed to choose his subjects with a view of taxing the ingenuity of the boy to find anything to say about them instead of taking something which the boy knew about and devoting himself to improve his English style in expressing his thought. Channing was a good critic. His published lectures on rhetoric and oratory, now almost wholly forgotten, remind one of Matthew Arnold in their delicate and discriminating touch. He had a face and figure something like that of Punch in the frontispiece of that magazine. His method was to take the themes which the boys handed in one week, look them over himself, then, a week after, meet the class, call the boys in succession to sit down in a chair by the side of his table, read out passages from the theme, and ridicule them before the others. It was a terrible ordeal for a bashful or awkward boy. Those of a more robust nature, or whose performance had nothing ridiculous in it, profited by the discipline. But it certainly took all the starch and courage out of me. I never sat down to write my theme without fancying that grinning and scornful countenance looking at my work. So I used to write as few sentences as I thought would answer so that I should not be punished for failure to bring in any theme at all, and never attempted to do my best.

But the Faculty themselves were certainly an assemblage of very able men. Making all the allowance for the point of view, and that I was then a youth looking at my elders who had become famous, and that I am now looking as an old man at young men, I still think there can be no comparison between the college administrators of fifty years ago and those of to-day. It was then the policy of the college to call

into its service great men who had achieved eminent distinction in the world without. It is now its policy to select for its service promising youth, in the hope that they will become great. Perhaps the last method is the best where it succeeds. But the effect of failure is most mischievous. Presidents Quincy, Everett, Walker and Sparks administered in succession the office of President during my connection with the Academic Department and the Law School, although Dr. Walker's inauguration was not until later. Each of them in his own way was among the first men of his time. Quincy had been an eminent statesman, a famous orator, and a most successful mayor of Boston. Edward Everett had been in his early youth one of the most famous pulpit orators of the country, afterward a distinguished Member of Congress, Governor of the Commonwealth, Minister to England, and Senator of the United States. He was a consummate orator, on whose lips thousands and thousands of his countrymen had hung entranced. He was, what is less generally remembered now, perhaps the ablest and most accomplished diplomatist ever in the public service of the United States. Jared Sparks was a profound student of history, somewhat dull as a narrator, but of unerring historic judgment. I suppose he would be placed by all our writers of history with great unanimity at the head of American historic investigators. James Walker was a great preacher and a profound thinker. In the judgment of his hearers, young and old, he was probably deemed nearly or quite the foremost of American preachers.

That I may not be supposed to imply any disparagement of the present accomplished head of Harvard, let me say that while each of the men I have named had done a great work in life and achieved a great fame before he came to the Presidency, President Eliot has, in my opinion, achieved an equal fame and performed an equal work since he came to it.

A like policy prevailed in those days in the choice of instructors in the Law School. Judge Story, the senior professor, died just before I graduated from the College. His fame as a jurist was known throughout Europe. He was undoubtedly the most learned judge in the United States. Chief Justice Marshall and Chief Justice Shaw of Massachusetts doubtless excelled him in intellectual vigor. Chancellor Kent rivalled him as a writer upon law. But he had no other rival among judges or commentators in this country,—few anywhere. He was unquestionably, at the time of his death, the most famous teacher of law in the civilized world. His associate professor, Greenleaf, was an admirable lawyer, who, before he went to Harvard, had had a great practice in Maine, and made some good arguments in the Supreme Court of the United States. Judge Story was succeeded by Chief Justice Joel Parker of New Hampshire, a very eminent jurist, who was saturated with the old learning of special pleading and real property. He would have been a fit associate for Coke or Saunders, and would have held his own anywhere with either.

There was nothing in the teaching of Latin or Greek to inspire the student with any love of Greek or Latin literature. The professor never pointed out its beauties or illustrated the text in any way. The students, in succession, were called upon to construe a few lines, reading one or two Greek words and then giving their English equivalents. The time of the good scholar was taken up in hearing the recitation of the poor scholar and so very largely wasted. I had four or five persons in my class who became afterward eminent classical scholars. I do not believe that when we graduated there were more than four men in the class who could write a decent Latin sentence without the laborious use of grammar and dictionary. I doubt whether there was more than one, certainly there were not more than three, who could do the same thing in Greek. I do not suppose there was a man in the class who could have spoken either language with ease.

Yet, somehow, the graduates of Harvard got a good intellectual training from the University. The rough country boy, if he had it in him, came out at his graduation a gentleman in behavior and in character. He was able to take hold of life with great vigor. The average age of graduation I suppose was twenty. Not more than three years were spent in studying a profession. In some few cases, the graduate got a little money by teaching for a year. But the graduates of Harvard College and Harvard Law School were apt to take quite rapidly the high places of the profession. That was true then much more than it is now.

There were many persons who graduated before my time or shortly afterward whose high place in the public life of the Commonwealth and of the country was assured before they were thirty years old. Edward Everett was called to the pulpit of Brattle Street Church at the age of nineteen. He succeeded in that pulpit Joseph Stevens Buckminster, who was himself settled over that important parish at the age of twenty-one and was a wonderful pulpit orator. Edward Everett preached a sermon when he was twenty-four years old before a large audience in the Representatives Chamber at Washington which was heard with breathless silence. Rufus King said it was the best sermon he ever heard, and Harrison Gray Otis was affected to tears. Benjamin R. Curtis was admitted to the bar in Boston when he was twenty-two years old and shortly after was retained in a very important case. It is said that an old deputy sheriff, who had just heard Curtis's opening argument, was met in the street and asked if anything was going on in court. "Going on?" was the reply. "There's a young chap named Curtis up there has just opened a case so that all Hell can't close it." I suppose Edward Everett Hale and James

Freeman Clarke were almost as famous in the pulpit when they were twenty-five or twenty-six years old as they ever were afterward. I might extend the catalogue indefinitely. Where is there to be found to-day at the New England bar or in the New England pulpit a man under thirty of whom it can be said that his place among the great men of his profession is assured? It will not do to say in answer to this that it takes a greater man in this generation to fill such a place than it took in other days. That is not true. The men of those generations have left their work behind them. It does not suffer in comparison with that of their successors. There was something in the college training of that day, imperfect as were its instruments, and slender as were its resources, from which more intellectual strength in the pupil was begotten than there is in the college training of the present generation. I will not undertake to account for it. But I think it was due in large part to the personality of the instructors. A youth who contemplated with a near and intimate knowledge the large manhood of Josiah Quincy; who listened to the eloquence of James Walker, or heard his expositions of the principal systems of ethics or metaphysics; or who sat at the feet of Judge Story, as he poured forth the lessons of jurisprudence in a clear and inexhaustible stream, caught an inspiration which transfigured the very soul of the pupil.

Josiah Quincy, "old Quin" as we loved to call him, was a very simple and a very high character. He was born in Boston, February 4, 1772, just before the Revolutionary War. It was said, I have no doubt truly, that the nurse who attended his mother at his birth went from that house to the wife of Copley, the painter, when her son, Lord Lyndhurst, was born. Copley was a Tory, though a patriot and an ardent lover of his country. His departure from Boston made Lord Lyndhurst an Englishman. Quincy entered early into politics. He was a candidate for Congress in the last century before he was twenty-five years old. I heard him say once that the Democrats called for a cradle to rock the Federal candidate. He was a good type of the old Massachusetts Federalist,—brave, manly, sincere, of a broad and courageous statesmanship, but distrustful of the people and not understanding their temper. He made some very powerful speeches in the House of Representatives, attacking the greed and office-seeking of that time. His eloquence was something of the style of the famous Irish orators. One of his passages describing the office-seekers tumbling over each other like pigs to a trough will be long remembered. He hated Jefferson and moved his impeachment in the House of Representatives,—a motion for which he got no vote but his own. He retired disgusted from National public life, became Mayor of Boston, an office which he filled with much distinction, and then was called to the Presidency of Harvard, mainly because of his business capacity. The finances of the University were then in a sad condition. He put them on an excellent footing. He was very fond of the boys and they of him, although he was rough and hasty in his manners. While I was in college (although I happened to be at home that day and did not see the affair) some of the boys had got into some serious rows in Boston one Saturday. They had undertaken to wear the Oxford cap and gown. They were ridiculed by the populace in Boston, and a good many fights were the consequence. They were driven from the streets, and in the afternoon a lot of roughs took hold of a long rope, as if they belonged to an engine company, ran out to Cambridge across the bridge, and proposed to attack the college buildings. Old Quin gathered the students together at the gate and told the boys to keep within the yard and not to attack anybody unless they were attacked, but to permit none of those men to come within the gate. The old fellow was ready to head the students and a fight was expected. But the police gathered, and finally the Boston roughs were persuaded to depart in peace.

The old gentleman's heart always warmed to the son of an old Federalist. I had to visit his study a good many times, I regret to say, to receive some well-deserved admonitions. But the interview always ended in an inquiry after my father and some jolly, or at least kindly utterance about myself. One of my classmates gave an account in rhyme of one of these interviews which I wish I could repeat. I can only remember two lines:

Quin deigned a grin, perforce,
And Hoar a roar, of course.

He died in 1864 at the age of ninety-two, preserving to the last his mental vigor and his ardent interest in public affairs. During the darkest period of the War he never lost his hope or faith. He fell on the ice and broke his hip a little while before his death. He was treated by the somewhat savage method of the surgery of the time. Dr. George E. Ellis, from whom I had the story, went to see him one day at his house on Park Street and found the old man lying on his bed with a weight hanging from his foot, which projected over the bed, to keep the bones in their place and the muscles from contracting. He said to Mr. Quincy's daughter: "You have been shut up here a long time. Now go and take a walk round the Common and let me stay with your father." Miss Quincy went out and the old man kept Dr. Ellis so full of interest by his cheerful and lively talk that he never once thought to ask him how he was getting along. When Miss Quincy returned, he took his leave and had got downstairs when the omission occurred to him. He went back to the chamber and said to Mr. Quincy: "I forgot to ask you how your leg is." The old fellow brought his hand down with a slap upon the limb and said: "Damn the leg. I want to see this business settled."

When Felton was inaugurated as President, Gov. Banks in performing his part of the ceremony of presenting the charter and the keys to the new officer alluded in his somewhat grandiloquent way to four of Felton's predecessors, Everett, Sparks, Walker and Quincy, who were upon the stage. Speaking of Quincy he said: "He would be reckoned among honorable men, though their number were reduced to that of the mouths of the Nile or the gates of Thebes."

Felton, the Greek professor, was the heartiest and jolliest of men. He was certainly one of the best examples of a fully rounded scholarship which this country or perhaps any country ever produced. He gave before the Lowell Institute a course of lectures on Greece Ancient and Modern, into which is compressed learning enough to fill a large encyclopaedia. He also edited two or three Greek plays and an edition of Homer, which was extensively used as a text-book.

Professor Felton was a very impulsive man, though of great dignity and propriety in his general bearing. He had some theories of his own as to the matter of pure and correct English and was very much disgusted if anybody transgressed them. His brother, John Felton, of the class of 1847, afterward the foremost lawyer on the Pacific Coast, was altogether the best and most brilliant scholar in his class. He was reported to the Faculty just before his graduation for the offence of swearing in the College Yard, an offence which was punished by what was called a public admonition which involved a considerable loss of rank and a letter to the parent or guardian of the offender. The Faculty, in consideration of John Felton's excellent scholarship, instead of the ordinary punishment directed that Professor Felton should admonish his brother of his fault in private. The professor was some eighteen or twenty years the elder and respected by his brother rather as a father than as a brother. He sent for John to his study and told him the nature of the complaint, and proceeded: "I cannot tell you how mortified I am that my brother, in whose character and scholarship I had taken so much pride, who stood so high in his class, should have been reported to the Faculty for this vulgar and wicked offence." John said, with great contrition: "I am exceedingly sorry. It was under circumstances of great provocation. I have never been guilty of such a thing before. I never in my life have been addicted to profanity." "Damnation, John," interposed the professor, "how often have I told you the word is profaneness and not profanity?" It is needless to say that the sermon ended at that point.

But the most interesting single figure in the Harvard Faculty in my day was James Walker. He was a man of quiet dignity, and of modest bearing. He appeared rather awkward when he walked, as if there were some want of strength in the feet or ankles. He heard the classes in my time in Jouffroy and Cousin and in Butler's "Analogy." His method was to require the boy to get into his mind some account of a system or special course of reasoning of the author and to state it at considerable length in his own language. I think all that I got out of college that was of much use to me came from this training in James Walker's recitation-room, except that I think I got some capacity for cross-examining witnesses which was very useful to me afterward from reading Plato's dialogues and getting familiar with Socrates's method of reducing a sophist ad absurdum. But Dr. Walker's throne was the pulpit of the College Chapel. He used to preach four Sundays in each of the two terms. He had a beautiful head, a deep but clear voice, a deliberate manner and a power of emphasizing his weighty thoughts which I have never seen surpassed by any orator. He had a small and beautiful hand of which it is said, though such a thing is hard to believe of him, he was somewhat vain. But his only gesture was to bring very infrequently the back of his hand down upon the cushion of the pulpit before him. The ticking of the clock in the College Chapel was inaudible when the chapel was empty. But it ticked out clear and loud upon the strained ears of the auditors who were waiting in the pauses of his sentences. I can remember his sermons now. They are admirable to read, although, like other eloquence, their life and spirit is lost without the effect of speech. There was one on the text, "Thou shalt say no," which no hearer, I venture to say, ever forgot to the day of his death. There was another, on the control of the thoughts, from the text, "Leading into captivity every thought." This made a deep impression on the students. I seem to hear the tones of his voice now. The Doctor described with a terrific effect the thinking over in imagination scenes of vice by the youth who seemed to the world outside to fall suddenly from virtue. He said there was no such thing as a sudden fall from virtue. The scene had been enacted in thought and the man had become rotten before the time of the outward act.

"Sometimes the novice in crime thinks himself ready to act when he is not; as appears from his hesitancy and reluctance when the moment for action arrives. If, however, this unexpected recoil of his nature does not induce him to change his purpose altogether, he knows but too well how to supply the defect in training for sin. If we could look into his heart, we should find him at his accursed rehearsals again. A few more lessons, and the blush and the shudder will pass away, never to return."

This is tame enough in the recital. But I dare say there are old men who will read these pages to whom it will bring back the never-forgotten scenes of more than fifty years ago. The Doctor had a great gift of sententious speech, not only in his written discourses, but in his ordinary conversation or his instruction from the professor's chair. He was speaking one day of Combe and of something disrespectful he had said about the English metaphysicians. "What does Mr. Combe mean?" said the

Doctor. "I make no apology for the English metaphysicians. They have made their mistakes. They have their shortcomings. But they are surely entitled to the common privilege of Englishmen —to be judged by their peers." He was speaking one day of some rulers who had tried to check the rising tide of some reform by persecuting its leaders. "Fools!" said the Doctor. "They thought if they could but wring the neck of the crowing cock it would never be day."

One of the delightful characters and humorists connected with Harvard was Evangelinus Apostolides Sophocles, tutor in Greek. He was a native of Thessaly, born near Mount Pelion and educated in the convent of the Greek Church on Mount Sinai. It is said, although such instances are rare, that he was of the purest Greek blood. At any rate, his face and head were of the Greek type. He was a man of wonderful learning, —I dare say the best Greek scholar of his generation, whether in Europe or America. He was a very simple-hearted person in dealing with ordinary affairs. But his conversation and his instruction in the class-room were full of wit and sense. He used to tell a story, whether of his father or his grandfather I am not sure, that one night very late he was sitting in his warehouse alone when two men entered and told him they were come to kill him. He asked them why they wished to kill him, and they told him that they had been hired by an enemy of his. "Well," said the old man, "what are you to be paid?" They told him the sum. He said: "I will give you twice as much to kill him." Accordingly they accepted the offer and went away, leaving the old fellow alive, kept their bargain with him and killed his enemy.

Sophocles had a great love of little children and a curious love of chickens which he treated as pets and liked to tame and to play with, squatting down on the ground among them as if he were a rooster himself. It is said that during his last sickness the doctor directed that he should have chicken broth. He indignantly rejected it, and declared he would not eat a creature that he loved.

In what I have said about Professor Channing I am describing him and his method in instruction faithfully as it seemed to me at the time. It is quite possible I may be wrong. I am sure that the better scholars and the youths who were much better in every way than I was at that time of my life who were his pupils will dissent from my opinion and be shocked at what I say. So it is quite likely that I am in fault and not he. I have read again lately his book on Rhetoric and Oratory since what I said a little while ago was dedicated, and I wish to reaffirm my high opinion of the book. For fresh, racy and correct style, for clear perception and exquisite literary taste, it is one of the best books on the subject, as it one of the best books on any subject ever written by an American. His mistake was, in large measure, the prevalent mistake of the College in his time,—the use of ridicule and severity instead of sympathy as a means of correcting the faults incident to youth. It was the fault of the College, both of instructors and of the students. Dr. Walker in one of his public addresses speaks with commendation of "the storm of merciless ridicule" which overwhelms young men who are addicted to certain errors which he is criticising.

The Latin professor was Charles Beck, Ph.D. He was a native of Heidelberg. He had been compelled to leave Prussia because of his love of liberty. He had studied theology, and had published a treatise on gymnastics, in which he was accomplished. We read with him Terence and Plautus, the Medea of Seneca, Horace, and probably some Latin prose, which I have forgotten. He was a very learned Latin scholar. I do not know whether he cared anything about poetry or eloquence or the philosophy of the Roman authors or no. Certainly he did nothing to indicate to us that he had any such interest or to stimulate any such interest in his pupils. He was strict to harshness in dealing with his class. The only evidence of enthusiasm I ever witnessed in Dr. Beck was this: He brought into the classroom one day an old fat German with very dirty hands and a dirty shirt. He had a low forehead and a large head with coarse curling hair which looked as if it had not seen a comb or brush for a quarter of a century. We looked with amazement at this figure. He went out before the recitation was over. But Dr. Beck said to us: "This is Dr. —, gentlemen. He is a most admirable scholar." (This was the Doctor's pronunciation of the r.) "He has wead Cicewo through every year for nearly fifty years for the sake of settling some important questions. He has discovered that while *necesse est* may be used indifferently either with the accusative and infinitive, or with *ut* with the subjunctive, *necesse ewat* can only be used before *ut* with the subjunctive. I should think it well worth living for to have made that discovery."

I suppose we all thought when we graduated that Dr. Beck was a man of harsh and cold nature. But I got acquainted with him later in life and found him one of the most genial and kind-hearted of men. He was a member of the Legislature. He was a Free Soiler and an Abolitionist, liberally contributing to the Sanitary Commission, and to all agencies for the benefit of the soldiers and the successful prosecution of the war.

He came vigorously to the support of Horace Mann in his famous controversy with Mr. Webster. Mann had vigorously attacked Webster, and Webster in return had spoken of Mann as one of that class of persons known among the Romans as *Captatores Verborum*, which he supposed to mean one of those nice persons who catch up other person's words for the sake of small criticism and fault-finding.

Mr. Mann replied that Webster was wrong in his Latin, and the words *Captatores Verborum* meant toad-eaters, or men who hang on the words of great men to praise and flatter them, of which he found some conspicuous modern examples among Webster's supporters. Professor Felton, the Greek professor, who was a staunch friend of Webster, attacked Mann and charged him with ignorance of Latin. But Dr. Beck came to the rescue, and his authority as a Latin scholar was generally conceded to outweigh that of Webster and Felton put together.

One of the most brilliant men among the Faculty was Professor Benjamin Peirce. Undoubtedly he was the foremost American mathematician of his time. He dwelt without a companion in the lofty domain of the higher mathematics.

A privacy of glorious light is thine.

He was afterward the head of the Coast Survey. He had little respect for pupils who had not a genius for mathematics, and paid little attention to them. He got out an edition of Peirce's Algebra while I was in college. He distributed the sheets among the students and would accept, instead of a successful recitation, the discovery of a misprint on its pages. The boys generally sadly neglected his department, which was made elective, I think, after the sophomore year. At the examinations, which were held by committees appointed by the Board of Overseers, he always gave to the pupil the same problem that had been given to him in the last preceding recitation. So the boys were prepared to make a decent appearance. He used to dress in a very peculiar fashion, wearing a queer little sack and striped trousers which made him look sometimes as if he were a salesman in a Jew clothing-store. He had a remarkably clear and piercing black eye. One night one of the students got into the belfry and attached a slender thread to the tongue of the bell, contrived to lock the door which led to the tower and carry off the key, then went to his room in the fourth story of Massachusetts Hall and began to toll the bell. The students and the Faculty and proctors gathered, but nobody could explain the mysterious ringing of the bell until Peirce came upon the scene. His sharp eye perceived the slender line and it was traced to the room where the roguish fellow who was doing the mischief thought himself secure. He was detected and punished.

Peirce gained great fame in the scientific world by his controversy with Leverrier. Leverrier, as is well known, discovered some perturbations in the movement of the planet Herschel, now more commonly called Uranus, which were not accounted for by known conditions. From that he reasoned that there must be another planet in the neighborhood and, on turning his glass to the point where his calculations told him the disturbing body must be, he discovered the planet sometimes called by his name and sometimes called Neptune. This discovery created a great sensation and a burst of admiration for the fortunate discoverer. Peirce maintained the astounding proposition that there was an error in Leverrier's calculations, and that the discovery was a fortunate accident. I believe that astronomers finally came to his conclusion. I remember once going into Boston in the omnibus when Peirce got in with a letter in his hand that he had just got from abroad and saying with great exultation to Professor Felton, who happened to be there, "Gauss says I am right."

I got well acquainted with Professor Peirce after I left College. He used to come to Washington after I came into public life. I found him one of the most delightful of men. His treatise "Ideality in the Physical Sciences," and one or two treatises of a religious character which he published, are full of a lofty and glowing eloquence. He gave a few lectures in mathematics to the class which, I believe, were totally incomprehensible to every one of his listeners with the possible exception of Child. He would take the chalk in his hand and begin in his shrill voice, "If we take," then he would write an equation in algebraic characters, "thus we have," following it by another equation or formula. By the time he had got his blackboard half covered, he would get into an enthusiasm of delight. He would rub the legs of his pantaloons with his chalky hands and proceed on his lofty pathway, apparently unconscious of his auditors. What has become of all those wonderful results of genius I do not know. He was invited to a banquet by the Harvard Alumni in New York where he was the guest of honor. Mr. Choate expressed a grave doubt whether the professor could dine comfortably without a blackboard.

John W. Webster gave lectures to the boys on chemistry and geology which they were compelled to attend. I think the latter the most tedious human compositions to which I ever listened. The doctor seemed a kind-hearted, fussy person. He was known to the students by the sobriquet of Sky-rocket Jack, owing to his great interest in having some fireworks at the illumination when President Everett was inaugurated. There was no person among the Faculty at Cambridge who seemed less likely to commit such a bloody and cruel crime as that for which he was executed. The only thing that I know which indicated insensibility was that when he was lecturing one day in chemistry he told us that in performing the experiment which he was then showing us a year or two before with some highly explosive gas a copper vessel had burst and a part of it had been thrown with great violence into the back of the bench where a row of students were sitting, but fortunately the student who sat in that place was absent that day and nobody was hurt. He added drily: "The President sent for me and told me

I must be more careful. He said I should feel very badly indeed if I had killed one of the students. And I should."

There was nothing in my time equivalent to what used to be called a rebellion in the older days, and I believe no such event has occurred for the last fifty years. The nearest to it was a case which arose in the senior class when I was a freshman. One of the seniors, who was a rather dull-witted but well-meaning youth, concluded that it was his duty to inform the Faculty of offences committed by his classmates, a proceeding it is needless to say contrary to all the boys' sentiments as to honorable conduct. Some windows had been broken, including his. He informed the Faculty of the person who had broken them, who was rusticated for a short time as punishment. The next day being Saturday, this informer, dressed up in his best, was starting for Boston, when he was seized by six of his classmates and held under the College pump until he received a sound ducking. He seized the finger of one of them with his teeth and bit it severely, though it was protected somewhat by a ring. He complained of five of the six, who were forthwith suspended until the next Commencement, losing, of course, their rank in the class and their chances for taking part in the Commencement exercises. One of them, of whom he omitted to tell, was much disturbed by the omission and demanded of the informer why he left him out. He said that he had rather a pity for him, as he had already been suspended once and he supposed the new offence would lead to his being expelled. Whereupon he said, "I will give you some reason to tell of me," and proceeded to administer a sound caning. That was at once reported to the Faculty. The offender was expelled, and criminal proceedings had which resulted in a fine.

We had some delightful lectures from Longfellow on the literature of the Middle Ages. He read us some of his own original poems and some beautiful translations. All the substance of these lectures I think is to be found in his book entitled "The Poets and Poetry of the Middle Ages." I do not see that we gained anything of solid instruction by having them read to us that we could not have got as well by reading them. We had also a course of lectures from Jared Sparks on American history. They were generally dull and heavy, but occasionally made intensely interesting when he described some stirring event of the Revolutionary War. We hung breathless on his account of the treason of Arnold and its detection and the class burst out into applause when he ended,—a thing the like of which never happened in any time in College. There was a little smattering of instruction in modern languages, but it was not of much value. We had a French professor named Viau whom the boys tormented unmercifully. He spoke English very imperfectly, and his ludicrous mistakes destroyed all his dignity and rendered it impossible to maintain any discipline in the class. He would break out occasionally in despair, "Young zhentlemen, you do not respect me and I have not given you any reason to." A usual punishment for misconduct in those days was to deduct a certain number of the marks which determined rank from the scale of the offending student. M. Viau used to hold over us this threat, which, I believe, he never executed, "Young zhentlemen, I shall be obliged to deduce from you."

He was followed by the Comte de la Porte, a gentleman in bearing and of a good deal of dignity. The Count was asked one day by Nat Perry, a member of the class from New Hampshire who was very proud of his native State and always boasting of the exploits in war and peace of the people of New Hampshire, what sort of a French scholar M. Viau, his predecessor, was. The Count replied: "He was not a fit teacher for young gentlemen. He was an ignorant person from the Provinces. He did not have the Parisian accent. He did not know the French language in its purity. It would be as if somebody were to undertake to teach English who came from New Hampshire or some such place." The Count said this in entire innocence. It was received with a roar of laughter by the class, and the indignation and wrath of Perry may well be imagined.

Another instructor in modern languages was Dr. Bachi. He was a very accomplished gentleman. His translations of Italian poetry, especially of Dante and Tasso, were exquisite. It was like hearing a sweet and soft music to hear him read his beloved poets, and he had a singular gift of getting hold of the most sweet and mellifluous English words for his rendering. "And he did open his mouth, and from it there did come out words sweeter than honey." He once translated to us a passage in the Inferno where the damned are suspended, head downwards, with the burning flames resting upon the soles of their feet. "Ah," exclaimed Bachi, "they do curl up their toes."

My class is not one of the very famous classes of the College. Certainly it does not equal the class of 1802 or the class of 1829. But I think it was, on the whole, very considerably above the average. In it were several persons who became eminent scholars and teachers, and some who have been eminent in other walks of life. I think, on the whole, its two most distinguished members, entitled to hold a greater place than any others in the memory of future generations, were Dr. Calvin Ellis, Dean of the Medical Faculty of Harvard, who died in 1883, and Judge Nathan Webb, of the United States District Court of Maine, who died in 1902. Neither of these had very high rank in the class. The first half of the class used to have parts assigned at Commencement in those days. Ellis's part was very nearly the lowest of the first half. Webb's was higher. Webb entered college very young. He was quite small in his stature and was known all through college as "little Webb." He grew to a stature of about six feet after he left

college. He did, I believe, some very hard work indeed in his senior year. Although universally liked and respected by his classmates, he was not regarded as among the eminent scholars. Ellis performed all his duties in College very fairly but did not seem to care much for rank or for scholarship until, in the senior year, some lectures on anatomy were delivered by old Dr. John C. Warren. Ellis was filled with enthusiasm, as were some of the other members of the class. He and I got a skull somewhere and studied bones, processes, and sutures, both meaning to be physicians. My zeal lasted but a few weeks. Ellis's never abated until his death. He was at the head of his profession in the country in his own department, became Dean of the Harvard Medical School, and was loved and revered by his numerous pupils as by the members of his profession. He was one of the most simple-hearted, affectionate, spotless and lovable of men. He died of a lingering and painful disease, never losing his courage and patience, or his devoted interest in science. Webb was exceedingly fond of his home, not being very ambitious of higher office, but content to discharge ably and faithfully and to the universal satisfaction of the profession and the public, the duty of the important place he held. I have seen a good many public men from Maine of both parties. They all unite in this estimate of Judge Webb. There is no doubt that if he had been willing he would long ago have been made Judge of the Circuit Court, and then if the seat on the Supreme Court of the United States held by Mr. Justice Gray of the New England Circuit had become vacant, I suppose he would have been called from the Circuit Bench to that Court by almost universal consent.

Three persons, Child, Lane and Short, all very distinguished scholars in after life, took their place at the head of the class in the beginning. Two of them held the same place when they graduated. Short was outstripped by Edwin Moses Bigelow, who is now living, a lawyer, in Boston. He entered college from the country not so well fitted when he entered as most of the class. But he made his way by an indefatigable diligence until he graduated with great distinction, the third scholar, going a little above Short.

Child was a man of great genius. He seems to me now, as I look back upon him, to have been as great a man at seventeen when he entered college, as he was when he died. He was the best writer, the best speaker and the best mathematician, the most accomplished person in his knowledge of general literature in the class,—indeed, I suppose, in college,—in his day. He was probably equalled, and I dare say more lately excelled, by Lane as a Latin scholar, and by Short as a Greek scholar. He was a great favorite with the class. He spent his life in the service of the College. He was tutor for a short time and soon succeeded Channing as Professor of Rhetoric and Oratory. He became one of the most eminent scholars in the country in early English literature and language. He edited a collection of ballads, Little & Brown's edition of the British Poets, and was a thorough student of Shakespeare and Chaucer. To the elucidation of the text of Chaucer he made some admirable contributions. He was shy and diffident, full of kindness toward persons whom he knew and to children, and of sympathy with persons who were in sorrow, but whimsical, grotesque, and apt to take strong prejudices against persons whom he did not know. I suppose some of the best of our American men of letters of late years would have submitted their productions to the criticism of Child as to a master.

Next to him stood Lane, the learned Latin scholar. I do not believe that anybody ever went through Harvard College who performed four years of such constant and strenuous labor. What he did in his vacations I do not know, but there was no minute lost in the term time. It is said that he never missed attendance on morning and evening prayers but once. The class were determined that Lane should not go through college without missing prayers once. So one night a cord was fastened to the handle of his door and attached to the rail of the staircase. But Lane succeeded in wrenching open the door and got to morning prayers in time. He was the monitor, whose duty it was to mark the students who were absent from prayers and who were punished for absence by a deduction from their rank and, if the absences were frequent enough, by a more severe penalty. The next time the measures were more effective. Lane's chum, Ellis, was in the conspiracy. The students bored holes carefully into the door and into the jamb by the side and took a quantity of hinges and screwed them carefully on to the door and the jamb. When Lane got ready to start for prayers in the morning, he found it impossible to open the door. As soon as he discovered what was the trouble, he seized his hatchet and undertook to cut his way out. His chum, Ellis, who had remained quietly in bed, sprang out of bed and placed his back against the door and declared that the door of his room should not be hewn down in that manner. Lane was obliged to desist. He however took his monitor's book, marked himself and his chum absent, and submitted. There were a good many such pranks played by the boys in those days, in the spirit of a harmless and good-natured mischief. I do not know whether the College has improved in the particular or no. I do not think anybody in my day would have defaced the statue of John Harvard.

Whether Lane will go farther down on the path to immortality as the author of the admirable Latin Grammar to which he gave so much of his life or as author of the song, "The Lone Fish Ball," posterity alone will determine.

Charles Short, the third of the three whom I named as standing at the head of the class, became

President of Kenyon College and afterward Professor of Latin in Columbia College. He was one of the committee to prepare the revised version of the Scriptures, and contributed largely to the Harpers' excellent Latin Dictionary.

Another of our famous scholars was Fitzedward Hall, who died lately in England. He was a very respectable scholar in the ordinary college studies, but he attained no special distinction in them as compared with the others whom I have mentioned. He became, however, quite early, interested in Arabic and other Oriental languages, a study which he pursued, I think, without the help of an instructor. He had a very remarkable career. After graduating, he sailed for the East Indies with a view to pursue there the study of the Oriental languages and literature. He took with him letters of introduction to influential persons in Calcutta, and, of course, a sufficient supply of funds. But the vessel on which he was a passenger was wrecked as it approached the shore. He got ashore with difficulty, drenched with sea-water, having lost his letters of introduction and of credit, and with no resources but a few coins which happened to be in his pockets. He knew nobody in Calcutta. He disliked very much to present himself to the persons to whom he had been commended by his friends in America in that sorry plight with the possibility that he might be suspected of being an impostor. Accordingly, he determined that he would take care of himself. He walked about the street to see what he could find to do. As he went along he saw the sign of the *Oriental Quarterly Review*. He went in and inquired for the editor and asked him if he would accept an article. The editor said that he would consider it if it were brought in. Hall then went out and found a bookstore. Going in he spied a copy of Griswold's "Poets and Poetry of America." With a pencil and some sheets of paper, he wrote an article on American literature, filled up with pretty copious extracts. He took it to the editor of the *Review* who paid him for it, I think five pounds, and told him that he should be happy to have him make other contributions. Hall supported himself by writing for that review and some other periodicals published by the same concern until he could send home, get new letters of introduction and credit and support himself as a gentleman. He spent three years in Calcutta studying Hindostanee and Persian, and afterward, Bengalee and Sanscrit. Later he removed to Benares, where he was appointed to a tutorship in the Government College. Then he became professor and afterward Inspector of Schools for Ajmere and Mairwara. He was in a besieged fort for seven months during the Indian Mutiny. He received the degree of D.C.L. from Oxford in 1860. He went to London afterward to promote the election of Max Mueller as professor at Oxford. While there he was himself made professor of Sanscrit and of Indian jurisprudence in London University. I saw him in England, I think in 1871, when he was librarian of the great library of the East India Company, having in charge not only a vast library, but the archives of the East India Company going back beyond the time of Cromwell. He showed me many interesting letters and documents in manuscript of Cromwell, Nelson and other famous persons. Professor Edward B. Whitney once told me that with the exception of Max Mueller he considered Hall the foremost Oriental scholar in the world. I suppose Hall would have said the same of Professor Whitney.

Hall maintained his sturdy Americanism throughout his long life in England. He was ready at all times to do battle, in public or in private, when his countrymen were attacked. I think, in many cases, if he had been at home, he would have attacked the same things with which the Englishmen found fault. He could not bear Ruskin. He thought he, himself, as an American had to endure much contempt and injury from Englishmen because of Ruskin's bitter and contemptuous speech. But when we consider that he was an American we must admit that England treated him very well. He had, I suppose, the most welcome admission to all their scientific journals. In his time he was employed on the very best and most important work done in England in his line. He was professor of Hindostanee and of Hindoo law and Indian jurisprudence in King's College in London, also of the Sanscrit language and literature, and Indian history and geography. In April, 1865, he was made Librarian of the India Office, having in his charge the best collection of Oriental manuscripts in the world, twenty thousand in number.

While the catalogues of the libraries show a large number of books published under his name, he said that the greater part of his work had been anonymous.

In 1893 he wrote to a London magazine: "Although I have lived away from America upwards of forty-six years, I feel to this hour, that in writing English I am writing a foreign language."

Next in rank to Child, Lane, Bigelow and Short was Judge Soule. Next to him came George Cheyne Shattuck Choate, one of the well-known family of brothers of that name, sons of a Salem physician. Choate became a physician himself. He was at the head of the Massachusetts Institution for the Insane at Trenton. He afterward had an establishment of his own near New York, where Horace Greeley was under his care. I saw little of him after we graduated. But he was nearly or quite at the head of his department in the country. It is said that his testimony in court involving questions of medical jurisprudence was wonderful for its beauty, its precision and its profound analysis.

But I am inclined to think that the one member of our class whose fame will last to remote posterity, a fame which he will owe to a single poem, is Walter Mitchell. He was a very bright and accomplished

person in college and a great favorite with his friends. He studied law, but afterward determined to become a clergyman and took orders in the Episcopal Church. I have never heard him preach, but I have no doubt from his distinction as a writer and scholar in college that he is an excellent preacher. But his poem of the sea entitled "Tacking the Ship off Fire Island" is one of the most spirited and perfect of its kind in literature. You can hear the wind blow and feel the salt in your hair as you read it. I once heard it read by Richard Dana to the Phi Beta Kappa Society at Harvard, and again by that most accomplished elocutionist, E. Harlow Russell. I never read it or hear it without a renewed admiration.

But the brightest, raciest, wittiest, liveliest, spunkiest of all the youths was Daniel Sargent Curtis, one of the race of that name so well known in Boston for excellence in various departments. Curtis was the son, I believe, of Thomas B. Curtis, the merchant, a nephew of Charles P. Curtis, the eminent lawyer, and a cousin of Judge Benjamin R. Curtis. I do not know what he would not have made of himself if he had cultivated his great literary capacity. Certainly if he had performed the promise of his boyhood he would have been one of the foremost men in American literature. He studied law but pretty soon became a banker. Soon after he took up his residence in Italy, where I suppose he is living now. He produced some serious poetry which he read to some college societies. I hope for the credit of the class and for the country and his name he may have done something in later years which will be given to the world. It is said, I know not how truly, that he was for many years a near neighbor and intimate friend of Browning. When he was in college and in the Law School the boys used to enliven all social gatherings by repeating his good jests as, in later years, the lawyers did those of Rufus Choate, or the people in public life in Washington still later, those of Evarts. Such things lose nine-tenths of their flavor in the repetition and nine parts of the other tenth when they are put in writing. Curtis was quite small in stature but he was plucky as a gamecock, and a little dandyish in his dress. It is said that when he was a freshman, the boys at the Cambridge High School, a good many of whom were much bigger than he was, undertook to throw snowballs at him one day as he went by. Whereupon Curtis marched up to the biggest boy and told him if another snowball were thrown at him he would thrash him and he might pass it over to the boy who did it. The result was that Curtis was not troubled again.

You could not attack or rally him without some bright reply. Horace Gray, afterward the judge, went shooting one day and met Curtis as he was coming back with his gun over West Boston Bridge. Curtis asked him if he had shot anything. Gray said, "No, nothing but a hawk in Watertown. I stopped at the Museum as I came by, and gave it to Agassiz." "I suppose Agassiz said 'Accipter,'" said Curtis.

When Professor Greenleaf resigned his place at the Dane Law School, much to the regret of the students, it was proposed to secure a likeness of him for the lecture room. There was some discussion whether it should be a bust or a picture, and if a bust what should be the material. Curtis said: "Better make it Verd Antique. That means Old Green."

Dr. Beck once required his class each to bring a Latin epigram. Dan Curtis, who was not very fond of work unless it was in the line of his own tastes, sent in the following:

Fugiunt. Qui fugiunt? Galli; tunc moriar contentus.

"What is that, Curtis?" said the Doctor. "Dying words of Wolfe, sir," replied Curtis. "Ah," said the Doctor with great satisfaction. He thought it was Wolf the famous Greek scholar, and thought the epigram highly to Curtis's credit.

I have still in my memory a very bright poem of his. I do not think I ever saw or read it written or in print. But I remember hearing it read in one of the college clubs more than fifty years ago. He has Longfellow's style very happily, including the dropping from a bright and sometimes a sublime line to one which is flat and commonplace, as for instance in the ode on the death of the Duke of Wellington.

Meantime without the surly cannon waited,
The sky gleamed overhead.
Nothing in Nature's aspect indicated
That a great man was dead.

This is Curtis's poem:

Wrapped in musing dim and misty,
Sit I by the fitful flame;
And my thoughts steal down the vista
Of old time, as in a dream.

Here the hero held his quarters,
Whom America holds dear;
He beloved of all her daughters,

Formerly resided here.

Here you often might have seen him,
Silvery white his reverend scalp,
Frowned above a mighty chapeau
Like a storm-cap o'er the Alp.

Up and down these rooms the hero
Oftentimes would thoughtful stray,
Walking now toward the window,
Stalking then again away.

By the fireside, quaintly moulded
Oft his humid boots would lie;
And his queer surtout was folded
On some strange old chair to dry.

In the yard where now before me
Underclothes, wind-wafted hang
Waved the banners of an army;
Warriors strode with martial clang.

These things now are all departed,
With us on the earth no more,
But the chieftain, noble-hearted,
Comes to visit me once more.

In he comes without permission,
Sits him down before mine eyes,
Then I tremble and demnition
Curious thoughts within me rise.

Slow he speaks in accents solemn,
Life is all an empty hum,
Man, by adulation only
Can'st thou ever great become.

I ought perhaps to mention a young man of most brilliant promise, an excellent scholar and a great favorite, who died before the class graduated, on a voyage to the East Indies which he undertook in the hope of restoring his health,— Augustus Enoch Daniels. He left behind him one *bon mot* which is worth recording. We were translating one day one of the choruses in AEschylus, I think in the Agamemnon, where the phrase occurs [Greek omitted], meaning "couches unvisited by the wind," which he most felicitously rendered "windlass bedsteads." Such is the vanity of human life that it is not uncommon that some hardworking, faithful and bright scholar is remembered only for one single saying, as Hamilton in the House of Commons was remembered for his single speech. Another instance of this is that worthy and excellent teacher of Latin and Professor of History, Henry W. Torrey. He was an instructor in college in our time, afterward left the college to teach a young ladies' school and came back again later as a Professor. I presume if any member of the class of 1846 were asked about Torrey he would say: "Oh, yes. He was an excellent Latin scholar, an excellent teacher in elocution and in history. But all I remember of him is that on one occasion a man who professed to be learned in Egyptian antiquities advertised a course of lectures, one of which was to be illustrated by unrolling from a mummy the bandages which had been untouched since its interment, many centuries before Christ. The savant claimed to be able to read the inscription on the cloth in which the mummy was wrapped and declared that it was the corpse of an Egyptian princess, whose name and history he related. Having given this narrative and excited the expectation of his auditors, the wrappers were taken off and, alas, it turned out to be the body of a man. The poor professor was, of course, much disconcerted and his lectures, I believe, came to a sudden ending. Mr. Torrey said that 'it was undoubtedly the corpse of Spurius Mummius.'"

But no account of my class ought to omit the name of Henry Whitney. He was a universal favorite. In all the disputes which arose in all the divisions of sets or sections, Whitney maintained the regard and affection of the whole class.

After graduating he was a very successful and influential business man in Boston and was President of the Boston & Providence Railroad, which under his masterly administration, attained a very high degree of prosperity. I think he corresponded with every member of the class, and did more to preserve and create a kindly class feeling than any other member. It seemed when he died as if half the college

had died. He was a man of great refinement and scholarship, and was fond of collecting rare books. He had a great many editions of Milton which he liked to exhibit to his friends. He had a most delightful wit, and was the author of some very good songs and other humorous poetry.

I do not of course undertake to give sketches of all my classmates, either the living or the dead, or those who have attained distinction as useful and honorable members of society. So far as I know their career since they left college, there is none of them of whom the class or the college need be ashamed.

The different classes had not much intercourse with each other unless it happened in the case of boys who came from the same town, or who came from the same school, until late in the college course, when the members of the Hasty Pudding Club and the Porcellian, the two principal secret societies, formed intimacies beyond their own class in the meetings of those clubs. There were some persons in the classes near mine, both below and above me, with whom I had an acquaintance in college which grew into a cordial friendship in the Law School or in later life. Perhaps, taking him all together, the most brilliant man in Harvard in my time was John Felton. He went to California and became afterward unquestionably the greatest lawyer they have ever had on the Pacific Coast. He was in the class after mine. I knew him slightly in our undergraduate days. But when I went to the Law School in September, 1847, we boarded together in the same house. We speedily became intimate and used to take long walks together of three or four hours every day. We rambled about Watertown and Brighton and Somerville and West Cambridge and had long discussions about law and politics and poetry and metaphysics and literature and our own ambitions and desires. We were constantly in each other's rooms, and often sat up together, sometimes until the constellations set, with the wasteful, time-consuming habits of boyhood.

Say, for you saw us, ye immortal lights,
How oft, unwearied, have we spent the nights
In search of deep philosophy,
Wit, eloquence and poetry,—
Arts which I loved, for they, my friend, were thine.

John came of a distinguished family. His brother Cornelius was a famous Greek professor, one of the most striking figures about Cambridge. Another brother was Samuel M. Felton, the most distinguished civil engineer in the country of his time; builder of the Fitchburg railroad, afterward builder and President of the Pennsylvania Railroad; the man who conceived the plan of getting the New England troops into Washington by the way of Annapolis when Baltimore was in the power of the Rebels. Another brother was quite distinguished in college in the class of 1851. John after he graduated went to California and never came back from the Pacific Coast or kept up his communication with his old friends, although he received them with great hospitality, I am told, when they went out there. I think he had a fancy that he would keep to himself until he could come back in some great place, like that of Senator or Judge of the Supreme Court of the United States. He was a candidate for the Senate at one time, but was defeated by a much inferior man. He was fond of argument; never was contented without challenging somebody and was a very tough customer to encounter, whatever side of a question he chose to take. He liked, however, nothing better than a sturdy resistance. To yield to him was never the way to win his good will. The first day when we went to live at the same boarding-house, I got into a hot dispute with him at dinner over the Wilmot Proviso, and the constitutional power of Congress to legislate against slavery in the territories, which was then a burning question. John took the Southern side of that question, although I dare say he would have taken the other if a Southerner had introduced it, and we got pretty zealous on both sides and walked home together continuing the argument as we walked. As we separated, Felton said: "We will continue this discussion to-morrow. Meantime, won't you look up the history of the matter a little?" "Yes," said I, "and won't you study up a little on Whately's Logic?" The answer seemed to delight Felton, and he took me into high favor. I never knew a man of such ready wit, although I have known a good many famous wits in my day. But all these things evaporate with time. Or, if you remember them, they are vapid and tasteless in the telling, like champagne which has been uncorked for a week. We were one day discussing some question of law at the table, and John, who had not yet begun to study law himself, put in his oar as usual, when Charles Allen, afterward Judge of the Massachusetts Supreme Court, turned on him with some indignation. "What do you know about it, Johnny? You don't know what a quantum meruit is." "If you had it, 't would kill you," said Felton. He was invited to the dinner given by the people of Nevada in honor of their admission as a State, and there was some discussion about a device for a State seal. Felton suggested that the Irish emblem would be the most appropriate, the "Lyre and shamrock." Once after deciding a case in his favor, Mr. Justice Field said to him: "Felton, I have made great use of your brief in my opinion." "Always do that, Judge," said Felton. He possessed considerable capacity for poetry, although I do not know that he cultivated it much after he left college. He delivered a very successful poem at Commencement, and gave the Phi Beta Kappa poem the next year and read some very witty verses at the Society's dinner the same day. He was much distressed over choosing a subject, and put off and put

off writing his poem till within a few days of the time when it was to be delivered. And he finally resolved, in a fit of desperation, that he would go into his room, shut his eyes, turn round three times and take for his subject the first object on which they rested when he opened them. That happened to be a horseshoe which he had picked up in the street and hung over his fireplace for luck. He made a charming poem from this subject, on Superstition. The opening lines are:

Just over the way, with its front to the street,
Up one flight of stairs, is a room snug and neat,
With a prospect Mark Tapley right jolly would call;—
Two churches, one graveyard, one bulging brick wall,
Where, raven-like, Science gloats over its wealth,
And the skeleton grins at the lectures on health.
The tree by the window has twice hailed the Spring
Since we circled its trunk our last chorus to sing.
Maidens laughed at our shouts, they knew better than we;
And the world clanked its chains as we cried, "We are free."
On the wall hangs a Horseshoe I found in the street;
'Tis the shoe that to-day sets in motion my feet
'Tis a comfort, while Europe to freedom awoke
Is peeping like chickens just free from their yolk
To think Pope and Monarch their kingdoms may lose;
Yet I hang my subject wherever I choose.

He goes on in a more serious strain to sketch the history of superstition and ends with an eloquent aspiration for a day of universal peace:

As now my thoughts like clustering bees have clung
To thee, my Horseshoe, o'er the lintel hung,
The future bard, with song more richly fraught,—
Some revered wrong the nucleus of his thought,
Some relic crown or virtuoso's gun,
Some nation's banner when all earth is one,—
Back through the past in mournful strain shall wind
Where demon fancies vex the darkling mind,
Where light but faintly streaks the dappled sky,
Nor Morn has shot his glittering shafts on high;
Trembling with grief and hope, his lyre shall thrill
To twilight times of blending good and ill,
Where whizz of bullets, and the clanking chain,
Jar on the praise of Peace and Freedom's reign.
In louder strains shall burst the exulting close,
That sounds the triumph o'er the struggling foes,—
The slave unbound, War's iron tongues all dumb,—
His glorious Present, our all hail To Come,
All hail To Come, when East and West shall be—
While rolls between the undividing sea—
Two, like the brain, whose halves ne'er think apart,
But beat and tremble to one throbbing heart!

He took what was then an unusual method of making himself a good lawyer. That was to begin to deal with a legal principle in historic order, going back to the first case where it was announced and tracing it down through the reports, making no use of text-books. That was the way the old lawyers before Blackstone got their training. I have been told, though that happened after I left Cambridge, that he and Professor Langdell, the eminent teacher at Harvard who had introduced that method with so much success, studied together. Whether it was Felton's plan or Langdell's I do not know.

John Felton died suddenly in May, 1877. Everybody who comes to Washington from California who is old enough speaks with pleasure of his knowledge of Felton and is full of stories of his brilliant wit. He had probably the largest fees ever received by an American lawyer. He is said by his biographer to have received a fee of a million dollars in one case. His death was received with universal sorrow. All the places of business and amusement were closed and the flags displayed at half mast on the day of his funeral.

Another rather interesting figure among the men of the classes above me was Thomas Hill, afterward President of the College. He was a good mathematician and a good preacher. But he was not as successful in the Presidency as his friends hoped. The only thing I remember about him of any

importance is highly to his credit. One winter's day a little gaunt-looking and unhappy pig that had strayed away from a drove wandered into the College Yard just as the boys were coming out of evening prayers. The whole surface of the yard was covered with a sheet of thin and very slippery ice. It was rather hard to stand up on it. The boys came across the pig, which was frightened and attempted to run. After running a little, he would slip on the ice and slide and tumble over, and then gather himself up again and try once more. There was a general shout and a general chase. Poor piggy strove to elude his pursuers. His own tail was a little slippery, so that if a boy caught it he did not hold it long. The whole college, pretty much, engaged in the pursuit, which certainly seemed to be great fun. But, on a sudden, there was a loud, angry shout from a stentorian voice as Tom Hill jumped in among the pursuers, who were just on the point of conquering the bewildered animal. "For shame. Take one of your size." The boys saw the point, were filled with mortification, desisted, and allowed the poor creature to go in peace.

The boys generally boarded in the College Commons, where they could board for \$2.25 a week on one side, and on the other called "starvation commons" for \$1.75 a week. In the latter they had meat only every other day. A few of the sons of the wealthier families boarded in private houses where the rate of board varied from \$3 to \$3.50 a week. The rooms were furnished very simply, almost always without carpets, though in rare instances the floors would be covered with a cheap carpet which did not last very well under the wear and tear of boyish occupation. The students generally made their own fires and blacked their own boots and drew their own water. But there was a family of negroes named Lewis who performed those services for such boys as desired, at a compensation of \$5 or \$6 a term. The patriarch of this race was a very interesting old character. He was said to be one hundred years old. He was undoubtedly very near it. One morning, just as we were coming out of the morning prayers, shortly after six o'clock, old Mr. Lewis drove by with a horse which he was said to have bought for \$5, and a wagon of about the same value. He had a load of all sorts of vegetables which he had raised in his little garden near where the Arsenal stood and was carrying into Boston to market. One of his old wheels broke and the wagon came down, spilling the old fellow himself and his load of vegetables. He lay there flat on his back, unable to get up, surrounded by turnips and squashes and onions and potatoes, etc. As he lay with his black face and his white, grizzled poll, he was a most ludicrous spectacle. One of us asked him: "Why, Mr. Lewis, what is the matter?" "Well," he said with a mournful tone, "I laid eaout to go into Boston."

I suppose there was more turbulence and what would be called rowdyism in my day than now. At any rate I do not hear of such things very often nowadays. But it was usually of a harmless character. There were very few instances indeed of what would be called dissipation, still fewer of actual vice. The only game which was much in vogue was foot-ball. There was a little attempt to start the English game of cricket and occasionally, in the spring, an old-fashioned, simple game which we called base was played. But the chief game was foot-ball, which was played from the beginning of the September term until the cold weather set in, and sometimes, I believe, in the spring. It was very unlike the game as at present carried on. After evening prayers, which were over about five or ten minutes after six, the boys repaired to the foot-ball ground and ranged themselves on sides nearly equal in number. If one side thought they were not fairly matched they would shout, "More, more," until enough went over to them from the other side to make it about equal. Then one of the best kickers gave the ball a kick toward the other side of the field, and there was a rush and an attempt to get it past the goal. Nobody was allowed to pick up the foot-ball, or to run with it in his hand. A fast runner and good kicker who could get the ball a little outside of the line of his antagonists could often make great progress with it across the field before he was intercepted. It was allowable to trip up one of the other side by thrusting the foot before him. But touching an opponent with the hand would have been resented as an assault and insult. The best foot-ball players were not the strongest men but the swiftest runners, as a rule.

The practice of hazing freshmen during a few weeks after their entering was carried on sometimes under circumstances of a good deal of cruelty. One boy in my class was visited by a party of sophomores, treated with a good deal of indignity, and his feelings extremely outraged. He was attacked by a fever shortly afterward of which he died. During his last hours, in his delirium, he was repeating the scenes of this visit to his room. His father thought that the indignity caused his death. Another was taken out from his room in his night clothes, tied into a chair and left on the public commons in the cold. It was a long time before he was discovered and rescued. A heavy cold and a fit of sickness were the consequence.

There was an entertaining custom of giving out what were called mock parts when the real parts for the exhibitions or Commencement were announced. They were read out from a second-story window to an assemblage of students in the yard, and after the real parts had been given some mock parts were read. Usually some peculiarity of the person to whom they were assigned was made the object of good-natured ridicule in the selection of the subject. For example, one boy, who was rather famous for smoking other fellows' cigars and never having any of his own, had assigned to him as a subject, "The

Friendships of this Life all Smoke."

When the parts were assigned for the Commencement, which were given usually to the first half of the class, there was a procession of what was called the Navy Club and an assignment of honors which were in the reverse order of excellence to that observed in the regular parts. The Lord High Admiral was supposed to be the worst scholar in the class,—if possible, one who had been rusticated twice during the college course. The laziest man in the class was Rear Admiral. Then there was a Powder Monkey and a Coxswain, and other naval officers, who were generally famous for what used to be called demerits. The members of the class to whom parts were assigned were called "digs" and marched in the procession, each with a spade on his shoulder, the first scholar, who in our class was Child, as the "dig of digs," having a spade of huge dimensions. I believe James Russell Lowell was the Lord High Admiral in his class. The Rear Admiral in mine was borne about on a couch or litter, supported by four men, having another one marching by his side to carry his pipe, which he was supposed to be too lazy to put into his mouth or take out of his mouth himself. The procession had banners bearing various devices and went around to take leave of the President and the different professors, giving them cheers at their houses. President Everett, who was a serious-minded person, was much offended by the whole proceeding. He sent for some members of the class and remonstrated; told them he had been obliged to apologize to his English servant-girl for such an exhibition. I believe our class was the last one which performed this harmless and highly entertaining ceremony.

One of my classmates, afterward a worthy physician, was a tall man, older considerably than the rest of the class. He used to wear an old-fashioned blue, straight-bodied coat with brass buttons, a buff vest, and nankeen pantaloons which were said to have come down as an heirloom in his family from a remote generation. He was addicted to rather a pompous style of speech. He was very fond of playing the bass-viol, of which he was by no means a very skilful master. He had, as a subject for his mock part, "The Base Violation of all Rules of Harmony." One Sunday evening he had a few friends with him who were singing psalm tunes to the accompaniment of his bass-viol. They made a prodigious noise, not at all to the liking of the proctor who had the care of the discipline of that entry, which was in Holworthy. He went to the room from which the noise issued. It was locked and he had some difficulty in getting in. The persons assembled, instead of maintaining their place, betook themselves to hiding places in the inner rooms. My classmate, however, stood his ground like a Roman and told the officer that his room was his castle and that he had no right to come in. The matter was reported to the Faculty and the musician sent for. Instead of submitting himself, however, he maintained very sturdily that the visit of the official to his room was an outrage which he ought not to be asked to endure. He made quite an oration to the Faculty. Thereupon he was sentenced, more for his contumacy than for the original offence, to suspension from the college for two or three months. The class were very indignant and determined to manifest their indignation in a way that should be understood. They got a chariot with six white horses which drove up to his door in Holworthy at midday. Nearly the whole college assembled to see him off. He came out and took his seat in solitary state in the chariot. Some eight or ten of the class on horseback accompanied him as outriders. They drove into Boston to the front door of the Tremont House in great state. It was just at the time the Governor-General of Canada, I think Lord Elgin, was expected in Boston on a great occasion in the history of the city. The waiters and landlord at the Tremont House thought the English nobleman had arrived and hurried down the steps to open the door and meet him. But he got out of his carriage with his carpet-bag in his hand and disappeared in a humble fashion round the corner. The Faculty were very indignant and thought of disciplining severely the members of the class who had got up the burlesque, especially the outriders. Edward Everett then had under consideration the question whether he would accept the Presidency of the College. It was thought that if a rebellion occurred then he would decide against undertaking the responsibility. So they let the whole matter pass.

The principal figure in this scene used to be a thorn in the flesh of Professor Channing. He used to insert very pompous and magniloquent sentences in his themes, much to Channing's disgust. One day Channing took up a theme and held it up and called out, X. X. came to the chair by the Professor's side, and the Professor read, in his shrill voice: "'The sable sons of Afric's burning coast.' You mean negroes, I suppose." He admitted that he did. The Professor took his pen and drew a line over the sentence he had read and substituted the word "negroes" above the line, much to X.'s mortification.

I was guilty of one practical joke of which I have repented all my days, but for which the poetical justice of Providence administered to me, many years afterward, a punishment in kind. There was a classmate who sat next to me in the recitation in the sophomore year, whom everybody knew and liked, but who was not very much interested in study. He got along as he best could by his native wits and such little application as he found absolutely necessary. One day we were reciting in Lowth's Grammar. The Bishop says that in English the substantive singular is made plural for the most part by adding s. Professor Channing called up this classmate of mine, who stated this as follows: "The author says that the distinction between nouns in the singular and plural is that the latter end in s." "Is that a good

distinction?" asked the Professor. My neighbor answered with great confidence, "No, sir," as he was well warranted in doing from the form of the question. "Can't you give us some instance of words in the singular number that end in s?" said the Professor. My friend, who was considerable embarrassed, stammered, was staggered, and hesitated a moment. I whispered in his ear, "Hoss," on which he, without any reflection, blurted out, "Hoss." There was a roar of laughter from the class, and the poor fellow sat down, much distressed at his blunder. Channing dismissed the class, and the next day gave us a lecture. He said our uproarious laughter had disturbed Dr. Walker's recitation in the neighboring room, "especially you, Curtis, with your pit laugh." I ought to have risen up instantly and avowed myself the guilty cause of my classmate's innocent blunder. But, much to my own shame and disgrace, I did not do it. But some forty years afterward, I was engaged in an earnest discussion in the Senate Chamber with Butler of South Carolina, at the time of the passage of the first Civil Service law. Butler favored the law and his whole bearing in the discussion was exceedingly proper and creditable. We were talking of some prohibition, of some clause forbidding the imposing assessments upon office-holders for political purposes, and it was proposed to except from the prohibition voluntary contributions for proper election purposes. Butler asked me what I should consider improper election purposes. I hesitated a moment when Miller of California, who was a man of a good deal of fun, whispered in my ear, "Buying shotguns to shoot negroes with," which I, without reflecting and indeed hardly conscious of what I was saying, repeated aloud. Butler, who was a man of high spirit, and quick temper, was furious. He came down upon me with a burst of wrath. I tried to interrupt him. But he was so angry that it was impossible to interrupt him and said something which made it seem to me impossible either to explain or apologize. But I regretted the transaction exceedingly, and have always considered that I was well punished for my joke at the expense of my unhappy classmate.

An anecdote came down from a class before my time which I think ought not to be lost. One of the boys when the cold weather came on in the first term of his freshman year took out from the college library a book which was nearly the largest and thickest volume it contained. It was the works of Bishop Williams, who I think was one of the seven bishops persecuted by James II. The book contained an exceedingly dull treatise on theology. The youth had no special literary tastes, of which anybody knew, and that was the only book he was ever known to take out. He kept it out the six weeks which were allowed, and then renewed it, not taking it back to the library until the hot weather of the following summer. He repeated this in his sophomore and junior and senior years. Dr. Harris, the librarian, was very much puzzled and asked some of the boys if they could tell him why this young man kept Bishop Williams's works so constantly. None of the boys knew. They used to see it lying on his table, but never saw any signs of his reading it. At last one winter night late in the senior year something happened which caused a good deal of excitement. Several of the boys who were down in the yard rushed up in great haste to this classmate's room. It happened to be unlocked. They got in without knocking and found him undressed with nothing on but his nightgown. His bed happened to be near the fire, and standing up on the edge in front of the fire was Bishop Williams's works. It turned out that he was in the habit of thoroughly warming the book and then of putting it in the bed before he got in himself, so that it would serve the function of a warming-pan. The young gentleman turned out in after life to be a very distinguished Bishop himself, an eminent champion of the doctrines of the Episcopal Church, which he had doubtless acquired by absorption.

The boys were always ready for mischief and always kind and easily moved to sympathy. One day just before prayers there was found on the square in front of Willard's Hotel a large load of straw. The owner had stopped and unhitched his horses to feed them at Willard's stable. Some mischievous boy set fire to the load and it burned with a blaze which illuminated the whole neighborhood. Pretty soon the owner appeared in a state of great distress; said he was a very poor man; that he was moving his household furniture and that his beds, chairs, and all the goods he had in the world were in the cart covered up with the straw. The boys immediately took up a subscription and sent the fellow off well satisfied with his sale. It was said he got about twice as much as the value he set on all his goods, and that about a week after he appeared with another load of straw which he left exposed in the same place at the same time in the afternoon. I believe that was not molested.

The people of Cambridge in those days were a quiet folk. The students did not go much into the society of the town unless they happened to have some kindred there. There were a great many old houses, some of which are standing now, built before the Revolutionary War. Some had been occupied by old Tories. Among them was the Craigie House still standing, having been Washington's headquarters, and now more famous still as the residence of Longfellow. There were a few old gentlemen wandering about the streets who were survivors of the generation which just followed the Revolutionary War, among them Dr. Jennison, the old physician, and Dr. Popkin, the old Greek professor, of whom a delightful life was written by President Felton. Mr. Sales, an old Spaniard, had given lessons in Spanish from time immemorial. He was a queer looking old gentleman, who had his gray hair carefully dressed every day by a barber, wearing an ancient style of dress, covered with snuff, but otherwise scrupulously neat. He had a curious bend and walk, which made him seem a little like a

dog walking on his hind legs. He was very fond of the boys and they of him. He made full allowance for the exuberance of youth. Two careless students who were driving in a sleigh ran against him in the street and knocked him over and injured him severely. But the old fellow would not betray their names and had nothing to say when somebody talked severely of their carelessness but "Oh, oh, young blood, young blood." I never saw him in the least disturbed or angry with anything the boys said or did except on one occasion. Henry Whitney said, in reciting in Don Quixote, in the course of some discussion, "By Jingo, Mr. Sales." Sales was struck with horror. He said it was the most horrible phrase that ever came from the lips of mortal man, and he should think the walls of the building where they were would fall down on Whitney's head and overwhelm him. What awful and mysterious meaning the words "by Jingo" had for the old Spanish gentleman we never could discover. He declined to give any explanation and treated the subject as one to be avoided with horror ever after. I commend the question to the consideration of philologists.

The treatment of the students in general by the authorities and the college was stern, austere and distant. The students had little social intercourse with the families or the professors, except such of them as had relatives in Cambridge, which allowed intercourse with the families of the professors. The professors did nothing to encourage familiarity, or even to encourage any request for help in the difficulties of study. Indeed a boy who did that fell into disfavor with his companions, and was called a fish.

President Eliot in some speech, I think before the graduates of the Latin School, speaking of his life as a boy, said he had a great respect for his little self. I cannot say that of my young self at Harvard. My time was largely wasted in novel reading or reading books which had not much to do with the college studies, and lounging about in my own room or that of other students. I am not sure that the period of growth from sixteen to twenty is one when it is good for a youth to study hard. So far as my observation extends the poor scholars who have graduated at Harvard become as useful and eminent men in after life as the good scholars. I do not now think of any person, who has graduated first scholar since Edward Everett, who became in after life a very great man, although some of them have been very respectable. Judge Thomas Russell, who was first in the class before mine, was a very successful and brilliant man, performing admirably everything that he undertook. He was a good judge of the Superior Court, a good minister to Venezuela, a good advocate, and an excellent political speaker. But he never attained a place in the world equal to that of his classmate Gray, who, if I remember right, did not have a part at Commencement. Professor Child gained great distinction in his chosen field, but, I incline to think, would have gained the same distinction if he had devoted himself to the same pursuits and had never entered college at all. The first scholar in the class of 1843, the first class that graduated after I entered, was Horace Binney Sargent, a brave soldier, and the author of some beautiful and spirited war lyrics. But there were several of his classmates, including Thomas Hill, John Lowell and Octavius B. Frothingham, who attained much greater distinction. In the class of 1844 the first scholar was Shattuck Hartwell, a highly respectable and worthy gentleman, many years an officer in the Boston Custom House, who spent a large part of his life fitting pupils for college, while Francis Parkman, the historian, Benjamin Apthorp Gould, the mathematician, and Dr. John Call Dalton, the eminent physician, neither of whom had a very high record, became distinguished in after life. Among my own classmates, as I have already said, Judge Webb, Fitzedward Hall and Calvin Ellis attained very great distinction, although no one of them stood very high in rank. In the next class John Felton, Judge Endicott, Judge Charles Allen, and Tuckermann, the naturalist, were the persons who have been most famous in after life. I believe no one of them, except Felton who graduated the second scholar, ranked very high in college. I myself graduated with a fairly decent rank. I believe I was the nineteenth scholar in a class of sixty- six. When I graduated I looked back on my wasted four years with a good deal of chagrin and remorse. I set myself resolutely to make up for lost time. I think I can fairly say that I have had few idle moments since. I have probably put as much hard work into life as most men on this continent. Certainly I have put into it all the work that my physical powers, especially my eyes, would permit. I studied law in Concord the first year after graduation. I used to get up at six o'clock in the morning, go to the office, make a fire and read law until breakfast time, which was at seven in the summer and half-past in the winter. Then I went home to breakfast and got back in about three-quarters of an hour and spent the forenoon until one diligently reading law. After dinner, at two o'clock, I read history until four. I spent the next two hours in walking alone in the woods and roads of Concord and the neighboring towns, went back to the office at seven, read a little geometry and algebra, reviewing the slender mathematics which I had studied in college, and then spent two hours in reading Greek. I read through Thucydides, Homer and Xenophon's Hellenica and some other Greek books in that year. Sundays I went to church twice, but shut myself up in a room at home the rest of the day and read a great quantity of English literature, including Milton, Spencer, Chaucer, George Herbert, South's Sermons and other English classics, reading over again Butler's Analogy and Jouffroy. It has been said that if a man wish to acquire a pure English style he should give his days and nights to Addison. I say that if a law student wish to acquire a vigorous and manly English style, the fit vehicle for conveying weighty thoughts to courts or juries or popular assemblages, let him give his days and nights to Robert

South.

I spent two years at the Law School after graduating from the College. I cannot state too strongly my great debt to it, and to Franklin Dexter, Simon Greenleaf, Joel Parker, and Theophilus Parsons. I have no remorse for wasted hours during those two years. The time in a Law School is never likely to be wasted if the youth have in him any spark of generous ambition. He sees the practical relation of what he is learning with what he has to do in life. The Dane Law School was then, and I suppose it is even more true of it now, a most admirable place for learning the science of law and preparing for its practice. The youth breathed a legal atmosphere from morning till night all the year round. He had the advantage of most admirable instruction, and the resources of a complete library. He listened to the lectures, he studied the text-books, he was drilled in the recitations, he had practice in the moot courts and in the law clubs. He discussed points of law in the boarding-house and on his walks with his companions. He came to know thoroughly the great men who were his instructors, and to understand their mental processes, and the methods by which they had gained their success. The title of old Nathan Dane to a high place on the roll of his country's benefactors, and to the gratitude of the profession of the law, and of all lovers of jurisprudence throughout the country cannot be disputed.

CHAPTER VIII 1846 TO 1850. FOUNDATION OF THE REPUBLICAN PARTY. DANIEL WEBSTER.

The foundation of the Republican party, and my personal memories of Daniel Webster, belong to the same period. I will not try to separate them.

The story I am to tell may seem trivial enough to my readers. But it is to me a very tender and sacred memory. The time was ripe for the great movement that abolished slavery. If no one of the eminent men of that day had ever lived other men would have been found in abundance for the work. If Massachusetts had failed in her duty some other State would have taken her place. But in the Providence of God it was given to Massachusetts to lead in this great battle and it was given to these men whom I have to name to be leaders in Massachusetts. I thank God that it was given to my eyes to behold it. The American people have had many great affairs to deal with since that day. They have had great trials and great triumphs. They have won renown among the nations. They have grown in wealth and in power. They have subdued a mighty rebellion. They have carried their flag in triumph to the ends of the earth. They have wrested the last vestige of power in this hemisphere from an old and proud nation who once occupied the place that England has since occupied and which it seems likely we are to occupy hereafter. They have resisted many strong temptations and acquired much glory. I am afraid they have of late yielded for a time to one strong temptation and missed an opportunity for still greater glory, that never will come back. But there was something in that struggle with slavery which exalted the hearts of those who had a part in it, however humble, as no other political battle in history.

Bliss it was in that dawn to be alive.

And, surely, to be young was far nearer Heaven than Wordsworth found France in the opening of the French Revolution.

I became of age at just about the time when the Free Soil Party, which was the Republican party in another form, was born. In a very humble capacity I stood by its cradle. It awakened in my heart in early youth all the enthusiasm of which my nature was capable, an enthusiasm which from that day to this has never grown cold. No political party in history was ever formed for objects so great and noble. And no political party in history was ever so great in the accomplishment for liberty, progress and law.

I breathed a pure and bracing atmosphere in those days. It was a time of plain living and high thinking. It was a pretty good education, better than that of any university, to be a young Free Soiler in Massachusetts. I had pretty good company, not in the least due to any merit or standing of my own, but only because the men who were enlisted for the war in the great political battle against slavery were bound to each other by a tie to which no freemasonry could be compared. Samuel G. Howe used, when his duties brought him to Worcester on his monthly visit, to spend an hour or two of an afternoon in my office. I was always welcome to an hour's converse with Charles Allen, the man who gave the signal at Philadelphia for breaking away from the Whig Party. Erastus Hopkins occasionally spent a Sunday with me at my boarding house. When I went to Boston I often spent an hour in Richard Dana's office, and was sure of a kindly greeting if I chanced to encounter Sumner. The restless and ubiquitous Henry Wilson, who, as he gathered and inspired the sentiment of the people, seemed often to be in ten places at once, used to think it worth his while to visit me to find out what the boys were thinking of. In 1851 I was made Chairman of the Free Soil County Committee of Worcester County. I do not think there was ever so good a political organization in the country before, or that there ever has been a better one since. The Free Soilers carried all but six, I think, of the fifty-two towns in that county. I was in correspondence with the leading men in every one of them, and could at any time summon them to

Worcester, if there were need.

We acquired by the Mexican War nearly six hundred thousand square miles of territory. When the treaty was signed, the struggle began between freedom and slavery for the control of this imperial domain. No reader of the history of Massachusetts will doubt her interest in such a struggle. Three things stood in the way of lovers of liberty in the Commonwealth.

First, the old attachment to the Whig party;
Second, her manufacturing interests; and
Third, her devotion to Daniel Webster.

Massachusetts was a Whig State. There were many things which tended to give that great political organization a permanent hold on her people. Its standard of personal character was of the highest. Its leading men—Saltonstall, Reed, Lawrence, Lincoln, Briggs, Allen, Ashmun, Choate, Winthrop, Davis, Everett, and their associates—were men whose private and public honor was without a stain. Its political managers were not its holders of office or its seekers of office. It contained a large body of able and influential men who wielded the power of absolute disinterestedness. They were satisfied if they could contribute, by counsel or labor, to the well-being of the State by the advancement of their cherished political principles. They asked no other reward. The Whigs were in favor of using wisely, but courageously, the forces of the Nation and State to accomplish public objects for which private powers or municipal powers were inadequate. The Whigs desired to develop manufacture by national protection; to foster internal improvements and commerce by liberal grants for rivers and harbors; to endow railroads and canals for public ways by grants of public lands and from the treasury; to maintain a sound currency; and to establish a uniform system for the collection of debts, and for relieving debtors by a National bankruptcy law.

The Whig policy had made Massachusetts known the world over as the model Commonwealth. It had lent the State's credit to railroads. It had established asylums for the blind and insane and deaf and dumb, and had made liberal gifts to schools. The Massachusetts courts were unsurpassed in the world. Her poor laws were humane. All her administrative policies were wise, sound, and economical.

They asked from the National Government only a system of protection that should foster home manufacture, and that they might pursue their commercial and manufacturing occupation in peace.

Daniel Webster was the idol of the people. He was at the fulness of his great intellectual power. The series of speeches and professional and political achievements which began with the oration at Plymouth in 1820 was still in progress. The Whigs of Massachusetts disliked slavery; but they loved the Union. Their political gospel was found in Webster's reply to Hayne and his great debates with Calhoun. It was the one heart's desire of the youth of Massachusetts that their beloved idol and leader should be crowned with the great office of the Presidency.

Mr. Webster tried to avert the conflict by voting against the treaty with Mexico, by which we acquired our great territory in the far West; but in vain. The Whigs feared the overthrow of the Whig Party. The manufacturer and the merchant dreaded an estrangement that would cause the loss of their southern trade, and with it all hope of a law that would protect their manufactures.

It was in this condition of things that I cast my first vote in November, 1847, shortly after I became of age. It was for the Whig Governor. The Whig Party was already divided into two sections, one known as "Cotton Whigs," and the other as "Conscience Whigs." These names had been suggested in a debate in the State Senate in which Mr. Thomas G. Carey, an eminent Boston merchant, had deprecated some proposed anti-slavery resolutions by saying that they were likely to make an unfavorable impression in the South, and to be an injury to business interests; to which Mr. E. R. Hoar of Middlesex answered, that "he thought it quite as desirable that the Legislature should represent the conscience as the cotton of the Commonwealth."

Both parties struggled for the possession of the Whig organization, and both parties hoped for the powerful support of Mr. Webster. The leader of the manufacturing interest was Mr. Abbott Lawrence, a successful, wealthy manufacturer of great business capacity, large generosity, and princely fortune. He had for some years chafed under Mr. Webster's imperious and arrogant bearing. He was on terms of personal intimacy with Henry Clay, and was understood to have inspired the resolutions of the Whig State Convention, a few years before, which by implication condemned Mr. Webster for remaining in President Tyler's Cabinet when his Whig colleagues resigned. But the people of Massachusetts stood by Webster. After the ratification of the Ashburton Treaty, he came home to reassert his old title to leadership and to receive an ovation in Faneuil Hall. In his speech he declared with a significant glance at Mr. Lawrence, then sitting upon the platform: "I am a Whig, a Massachusetts Whig, a Boston Whig, a Faneuil Hall Whig. If any man wishes to read me out of the pale of that communion, let him begin, here, now, on the spot, and we will see who goes out first."

The first time I remember seeing Daniel Webster was June 17, 1843, at Bunker Hill. The students of Harvard, where I was a freshman, had a place in the procession. We marched from Cambridge to Boston, three miles and a half, and stood in our places for hours, and then marched over to Charlestown. We were tired out when the oration began. There was a little wind which carried the sound of Mr. Webster's voice away from the place where we stood; so it was hard to hear him during the first part of his speech. He spoke slowly and with great deliberation. There was little in the greater part of that weighty discourse to excite a youthful auditor; but the great thing was to look at the great orator. Waldo Emerson, who was there, said of him:

"His countenance, his figure, and his manners were all in so grand a style that he was, without effort, as superior to his most eminent rivals as they were to the humblest. He alone of men did not disappoint the eye and the ear, but was a fit figure in the landscape. There was the Monument, and there was Webster. He knew well that a little more or less of rhetoric signified nothing; he was only to say plain and equal things—grand things, if he had them; and if he had them not, only to abstain from saying unfit things—and the whole occasion was answered by his presence."

He went almost through his weighty discourse without much effect upon his auditors other than that which Emerson so well described. But the wind changed before he finished, and blew toward the other quarter where the boys stood; and he almost lifted them from their feet as his great organ tones rolled out his closing sentences:

"And when both we and our children shall have been consigned to the house appointed for all living, may love of country and pride of country glow with equal fervor among those to whom our names and our blood shall have descended! And then, when honored and decrepit age shall lean against the base of this monument, and troops of ingenuous youth shall be gathered around it, and when the one shall speak to the other of its objects, the purposes of its construction, and the great and glorious events with which it is connected, there shall rise from every youthful breast the ejaculation, 'Thank God, I also—AM AN AMERICAN!'"

Mr. Webster came to Concord in the summer of 1843 as counsel for William Wyman, President of the Phoenix Bank of Charlestown, who was indicted for embezzling the funds of the bank. This was one of the *causes celebres* of the day. Wyman had been a business man of high standing. Such offences were rare in those days, and the case would have attracted great attention whoever had been for the defence. But the defendant's counsel were Daniel Webster, Rufus Choate, Franklin Dexter, and my brother, E. R. Hoar, a young man lately admitted to the bar. Mr. Webster, notwithstanding his great fame as a statesman, is said never to have lost his eager interest in causes in which he was retained. When he found himself hard pressed, he put forth all his strength. He was extremely impatient of contradiction. The adulation to which he had been so long accustomed tended to increase a natural, and perhaps not wholly unjustifiable, haughtiness of manner.

The Government was represented by Asahel R. Huntington, of Salem, District Attorney for the district which included Essex and Middlesex. He was a man of great intellectual vigor, unquestioned honesty and courage, possessed of a high sense of the dignity and importance of his office, very plain spoken, and not at all likely to be overawed by any opposing counsel, whatever his fame or dignity. Yet he had a huge reverence for Daniel Webster, whom, like the other Massachusetts Whigs of that day, he probably thought as another described him—

The foremost living man of all the world!

The case was tried three times: The first time at Concord, the second time at Lowell, and the third time at Concord. Mr. Webster had several quite angry encounters with the court and with the prosecuting attorney. He was once extremely disrespectful to Judge Washburn, who replied with great mildness that he was sure the eminent counsel's respect for his own character would be enough to prevent him from any disrespect to the court. Mr. Webster was disarmed by the quiet courtesy of the judge, and gave him no further cause for complaint. At Lowell, where Wyman was convicted, Webster saw the case going against him, and interrupted the charge of the judge several times. At last Judge Allen, who was presiding, said: "Mr. Webster, I cannot suffer myself to be interrupted." Mr. Webster replied: "I cannot suffer my client to be misrepresented," To which the judge answered: "Sit down, sir." Mr. Webster resumed his seat. When the jury went out, Judge Allen turned to the Bar where Mr. Webster was sitting and said: "Mr. Webster." Mr. Webster rose with the unsurpassed courtesy and grace of manner of which he was master, and said: "Will the court pardon me a moment?" He then proceeded to express his regret for the zeal which had impelled him to a seeming disrespect to His Honor, and expressed his sorrow for what had occurred; and the incident was at an end.

At the first trial at Concord, Mr. Webster had frequent altercations with District Attorney Huntington. In his closing argument, which is said to have been one of great power, and which he began by an eloquent reference to the battle of Concord Bridge, which, he said, was fought by Concord farmers that

their children might enjoy the blessings of an impartial administration of justice under the law, he said that it was unlikely that Wyman could have abstracted large sums from the bank and no trace of the money be found in his possession. He was a man of small property, living simply and plainly, without extravagant habits or anything which would have been likely to tempt him to such crime. When Huntington came to reply he said, very roughly: "They want to know what's become of the money. I can tell you what's become of the money. Five thousand dollars to one counsel, three thousand dollars to another, two thousand to another," waving his hand in succession toward Webster and Choate and Dexter. Such fees, though common enough now, seemed enormous in those days. Choate smiled in his peculiar fashion, and said nothing; Franklin Dexter looked up from a newspaper he was reading, and exclaimed: "This is beneath our notice"; but Mr. Webster rose to his feet and said with great indignation: "Am I to sit here to hear myself charged with sharing the spoils with a thief?" The presiding judge said: "The counsel for the Government will confine himself to the evidence." That was all. But Mr. Webster was deeply incensed. The jury disagreed. Mr. Webster came to the next trial prepared with an attack on Huntington, in writing, covering many pages, denouncing his method and conduct. This he read to my brother. But Huntington who, as I have said, adored Webster, was unwilling to have another encounter— not in the least from any dread of his antagonist, but solely from his dislike to have a quarrel with the man on earth he most revered. Accordingly, Mr. Wells, the District Attorney of Greenfield, was called in, who conducted the trial at Lowell and succeeded in getting a conviction. My brother, who was very fond of Huntington, took an occasion some time afterward to tell Mr. Webster how much Huntington regretted the transaction, and how great was his feeling of reverence and attachment for him. Mr. Webster was placated, and afterward, when an edition of his speeches was published, sent a copy to Huntington with an inscription testifying to his respect.

The general reader may not care for the legal history of the trial, but it may have a certain interest for lawyers. Mr. Wyman was indicted for embezzlement of the funds of the bank under the Revised Statutes of Massachusetts, which provided that "if any cashier or other officer, agent or servant of any incorporated bank shall embezzle or fraudulently convert to his own use the property of the bank, he shall be punished," etc. It was earnestly contended that a president of a bank was not an officer within the meaning of the statute; but this contention was overruled by the presiding judge, who was sustained in that view by the Supreme Court on exception. There was, however, no such offence as embezzlement known to the common law. So a person who fraudulently converted to his own use the property of another could only be convicted of larceny; and the offence of larceny could not be committed where the offender had been entrusted with the possession of the property converted, the essence of larceny being the felonious taking of the property from the possession of the owner. Further, nobody could be convicted of larceny except on an indictment or complaint which set forth the time and place of each single conversion. So, if a servant or agent appropriated the fund of his principal, the embezzlement extending over a long period of time, and it was not possible to set forth or to prove the time, place, and circumstances of any particular taking, the offender could not be convicted. The statute to which I have just referred was intended to cure both these difficulties; first, by making persons liable to punishment who fraudulently appropriated the property of others, notwithstanding they had come rightfully into possession; and next, the necessity of setting forth the particular transaction was obviated by an enactment that it should be enough to prove the embezzlement of any sum of money within six months of the time specified in the indictment.

After the conviction of Wyman, the case was carried to the Supreme Court, which held that the statute making bank officers liable included bank presidents. But the court held that the other part of the statute, providing for the mode of setting forth the offence in the indictment, did not apply to bank officers; and that they could only be held on an indictment which described the particular transaction, with time and place. So the verdict of guilty against Wyman was set aside, and a new trial ordered.

Before the new trial came on at Concord, a statute was passed by the Legislature for the purpose of meeting this very case, extending the provisions of the Revised Statutes as to the mode of pleading in such cases to officers of banks. It was claimed and argued by Mr. Choate, with great zeal, eloquence, and learning, that this was an *ex post facto* law, which could not, under the Constitution, be made applicable to transactions which happened before its passage. Mr. Choate argued this question for several hours. The court took time for consideration, and overruled his contention. There seemed nothing for it but to go to trial again on the facts, upon which one verdict of guilty had already been had. As they were going into the court-house in the morning, Mr. Choate said to Mr. Hoar, whose chief part in the trial, so far, had been finding law books, hunting up authorities, and taking notes of the evidence: "You made a suggestion to me at the last trial which I did not attend to much at the time; but I remember thinking afterward there was something in it." Mr. Hoar replied: "It seems to me that Wyman cannot be convicted of embezzlement unless the funds of the bank were entrusted to him. They must either have been in his actual possession or under his control. There is nothing in the office of president which involves such an authority. It cannot exist unless by the express action of the directors,

or as the result of a course of business of the bank." The facts alleged against Wyman were that he had authorized the discount of the notes of some friends of his who were irresponsible, and that he had, in some way, shared the proceeds. Mr. Choate seized upon the suggestion. The Government witnesses, who were chiefly the directors of the bank, were asked in cross-examination whether they had not consented that Mr. Wyman should have the right to dispose of the funds of the bank, or to give him power or authority to dispose of them. They supposed the question was put with the intent of making them morally, if not legally, accomplices in his guilt, or of charging them with want of fidelity or gross carelessness in their office. Accordingly, each of them indignantly denied the imputation, and testified that Wyman had no power or authority to authorize the discount or to meddle with the funds. When the Government case closed, the counsel asked the court to rule that as the funds were never entrusted to the possession of Wyman he could not be convicted of embezzlement. The court so held and directed an acquittal. This is another instance, not unusual in trials in court, of the truth of the old rhyme, with which the readers of "Quentin Durward" are familiar;

The page slew the boar,
The peer had the gloire.

Mr. Webster always had a strong and kindly regard for my brother. When Mr. Hoar visited Washington in 1836, Webster received him with great kindness, showed him about the Capitol, and took him to the Supreme Court, where he argued a case. Mr. Webster began by alluding very impressively to the great changes which had taken place in that Tribunal since he first appeared as counsel before them. He said: "No one of the judges who were here then, remains. It has been my duty to pass upon the question of the confirmation of every member of the Bench; and I may say that I treated your honors with entire impartiality, for I voted against every one of you." After the argument was over Mr. Webster gave Mr. Hoar a very interesting sketch of the character of each of the judges, and told him the reasons which caused him to vote against confirmation in each case.

The next time I saw Daniel Webster was on July 4, 1844. He made a call at my father's house in Concord. I was near one of the front windows, and heard a shout from a little crowd that had gathered in the street, and looked out just as Mr. Webster was coming up the front steps. He turned, put his hand into his bosom under his waistcoat and made a stately salutation, and then turned and knocked on the door and was admitted. He was physically the most splendid specimen of noble manhood my eyes ever beheld. It is said, I suppose truly, that he was but a trifle over five feet nine inches high, and weighed one hundred and fifty-four pounds. But then, as on all other occasions that I saw him, I should have been prepared to affirm that he was over six feet high and weighed, at least, two hundred. The same glamour is said to have attended Louis XIV., whose majesty of bearing was such that it never was discovered that he was a man of short stature until he was measured for his coffin.

Mr. Webster was then in the very vigor of his magnificent manhood. He stood perfectly erect. His head was finely poised upon his shoulders. His beautiful black eyes shone out through the caverns of his deep brows like lustrous jewels. His teeth were white and regular, and his smile when he was in gracious mood, especially when talking to women, had an irresistible charm. I remember very little that he said. One thing was, when the backwardness or forwardness of the season was spoken of, that there was a day—I think it was June 15—when, in every year vegetation was at about the same condition of forwardness, whether the spring were early or late. A gentleman who was in the room said: "You have the cool breezes of the sea at Marshfield?" "There, as at other sea places," replied Mr. Webster. When he rose to go, he said: "I have the honor to be a member of the Young Men's Whig Club of Boston. I must be in my place in the ranks."

I heard him also in Faneuil Hall, in the autumn of 1844, after the elections in Maine and Pennsylvania and in the South had made certain the defeat of Mr. Clay. I remember little that he said, except from reading the speech since. What chiefly impressed the audience was the quotation from Milton, so well known now:

What though the field be lost?
All is not lost; the unconquerable will,
And study of revenge, immortal hate,
And courage never to submit or yield,
And what is else not to be overcome.

I also saw Mr. Webster at the inauguration of Edward Everett as President of Harvard, April 30, 1846. It was perhaps the proudest period of Webster's life. It was also, perhaps, the greatest day of the life of Edward Everett. Webster had been Everett's great over-shadower. Gov. Everett would have been, but for him, the chief public man and the orator of Massachusetts at that time. He had returned from the Court of St. James crowned with new laurels, and had been called to succeed Josiah Quincy as the head of the University. By a simple but impressive inaugural ceremony the Governor had just invested

Mr. Everett with his office, and delivered to him the keys and the charter. Everett was stepping forward to deliver his inaugural address when Webster, who had come out from Boston a little late, came in upon the stage by a side door. President and orator and occasion were all forgotten. The whole assembly rose to greet him. It seemed as if the cheering and the clapping of hands and the waving of handkerchiefs would never leave off. The tears gushed down the cheeks of women and young men and old. Everything was forgotten but the one magnificent personality. When the din had subsided somewhat, Mr. Everett, with his never-failing readiness and grace, said: "I would I might anticipate a little the function of my office, and saying—*Expectatur oratio in vernacula*— call upon my illustrious friend who has just entered upon the stage to speak for me. But I suppose that the proprieties of the occasion require that I speak for myself."

It is to the credit of Mr. Everett and of that other Massachusetts orator, Rufus Choate, that no tinge of jealousy or of envy ever embittered in the smallest degree their hearty love and support of their friend. They were his pupils, his companions, his supporters, his lovers, while he lived, and were his best eulogists when he died.

I heard another speech of his, which I think was never reported. He appeared before a Committee of the Legislature as counsel for the remonstrants against the scheme to fill up the Back Bay lands.

I do not think the employment of a Senator of the United States as counsel before the Legislature would be approved by public opinion now.

I do not know what year it was, but probably 1849 or 1850. He had grown old. But I learned more of the fashion of his mental operations than could be learned from his speeches on great occasions, especially after they had been revised for publication. He spoke with much contempt of a petition signed by many of the foremost merchants and business men of Boston. He described with great sarcasm the process of carrying about such petitions, and the relief of the person to whom they were presented on finding he was not asked to give any money. "Oh, yes, I'll sign—I'll sign." He then read out one after another the names of men well known and honored in the city. He threw down the petition with contempt, and the long sheet fell and unrolled upon the floor.

He had a singular habit, which made it wearisome to listen to his ordinary speech, of groping after the most suitable word, and trying one synonym after another till he got that which suited him best. "Why is it, Mr. Chairman, that there has gathered, congregated, this great number of inhabitants, dwellers, here; that these roads, avenues, routes of travel, highways, converge, meet, come together, here? Is it not because we have here a sufficient, ample, safe, secure, convenient, commodious, port, harbor, haven?" Of course when the speech came to be printed all the synonyms but the best one would be left out.

Mr. Webster seemed rather feeble at that time, and called upon his friend Mr. William Dehon to read for him the evidence and extracts from reports with which he had to deal. His tone was the tone of ordinary conversation, and his speech, while it would not be called hesitating, was exceedingly slow and deliberate. I have been told by persons who heard him in the Supreme Court in his later years that the same characteristic marked his arguments there, and that some of his passages made very little impression upon the auditors, although they seemed eloquent and powerful when they came to be read afterward.

His is frequently spoken of as a nervous Saxon style. That is a great mistake, except as to a few passages where he rose to a white heat. If any person will open a volume of his speeches at random, it will be found that the characteristic of his sentences is a somewhat ponderous Latinity.

A considerable number of Democrats joined the Free Soil movement in 1848. Conspicuous among them was Marcus Morton, who had been Governor and one of our ablest Supreme Court judges, and his son, afterward Chief Justice, then just rising into distinction as a lawyer. The members of the Liberty Party also, who had cast votes for Birney in 1844, were ready for the new movement. But the Free Soil Party derived its chief strength, both of numbers and influence, from the Whigs. The Anti-Slavery Whigs clung to Webster almost to the last. He had disappointed them by opposing the resolution they offered at the Whig State Convention, pledging the party to support no candidate not known by his acts or declared opinions to be opposed to the extension of slavery. But he had coupled his opposition with a declaration of his own unalterable opposition to that extension, and had said, speaking of those who were in favor of the declaration: "It is not their thunder."

He declared in the Senate, as late as 1848: "My opposition to the increase of slavery in the country, or to the increase of slave representation in Congress, is general and universal. It has no reference to lines of latitude or points of the compass. I shall oppose all such extension, and all such increase, at all

times, under all circumstances, even against all inducements, against all combinations, against all compromises."

So the Anti-Slavery Whigs eagerly supported him as their candidate for the Whig nomination in 1848.

If Mr. Webster had been nominated for the Presidency in 1848, the Free Soil Party would not have come into existence that year. There would have been probably some increase in the numbers of the Liberty Party; yet the Anti-Slavery Whigs of Massachusetts would have trusted him. But the nomination of General Taylor, a Southerner, one of the largest slaveholders in the country, whose laurels had been gained in the odious Mexican War, upon a platform silent upon the engrossing subject of the extension of slavery, could not be borne. The temper of the Whig National Convention was exhibited in a way to irritate the lovers of freedom in Massachusetts. When some allusion was made to her expressed opinions, it was received with groans and cries of "Curse Massachusetts." But, on the whole, the Massachusetts Whigs shared the exultant anticipation of triumph, and of regaining the power from which they had been excluded since the time of John Quincy Adams, except for the month of Harrison's short official life. But as the convention was about to adjourn, intoxicated with hope and triumph, Charles Allen, a delegate from Massachusetts, a man of slender figure, rose, and with a quiet voice declared the Whig Party dissolved. Never was a prediction received with more derision; never was prediction more surely fulfilled. He was reinforced by Henry Wilson, afterward Vice-President of the United States.

Immediately on their return from Philadelphia, a call was circulated for a convention to be held at Worcester of all persons opposed to the nomination of Cass and Taylor. The call was written by E. R. Hoar. My father, Samuel Hoar, was its first signer.

This is the call. It should be preserved in a form more enduring than the leaflet, of which I possess, perhaps, the only copy in existence.

"TO THE PEOPLE OF MASSACHUSETTS.

"The Whig National Convention have nominated General Taylor for President of the United States. In so doing they have exceeded their just authority, and have proposed a candidate whom no Northern Whig is bound to support.

"HE IS NOT A WHIG, when tried by the standard of our party organization. He has never voted for a Whig candidate, has declared that the party must not look to him as an exponent of its principles, that he would accept the nomination of the Democratic Party, and that he would not submit his claims to the decision of the Whigs, acting through their regularly constituted Convention.

"HE IS NOT A WHIG, if judged by the opinions he entertains upon questions of public policy. Upon the great questions of currency and Finance, of Internal Improvements, of Protection to American Industry, so far from agreeing with the Whigs, he has distinctly avowed that he has formed no opinion at all.

"HE IS NOT A WHIG, if measured by the higher standard of principle, to which the Whigs of Massachusetts and of the North have pledged themselves solemnly, deliberately, and often. He is not opposed to the extension of Slavery over new territories, acquired, and to be acquired, by the United States. He is a Slave-holder, and has been selected because he could command votes which no Whig from the free States could receive.

"To make room for him, the trusted and faithful Champions of our cause have all been set aside.

"The Whigs of Massachusetts, by their Legislature, and in their popular assemblies, have resolved, that opposition to the extension of Slavery is a fundamental article in their political faith. They have spoken with scorn and upbraiding of those Northern Democrats who would sacrifice the rights and interests of the Free States upon the altar of party subserviency.

"The Whigs of the Legislature have recently declared to the country, 'that if success can attend the party, only by the sacrifice of Whig principles, or some of them,' they did not mean to be thus successful; that they are determined 'to support a candidate who will not suffer us to be over-balanced by annexations of foreign territory, nor by the further extension of the institution of Slavery, which is equally repugnant to the feelings, and incompatible with the political rights of the Free States'; and that they 'believe it to be the resolute purpose of the Whig people of Massachusetts, to support these sentiments, and carry into effect the design which they manifest.'

"Believing that the support of General Taylor's nomination is required by no obligations of party fidelity, and that to acquiesce in it would be the abandonment of principles which we hold most dear, treachery to the cause of Freedom, and the utter prostration of the interests of Free Labor and the

Rights of Freemen:

"The undersigned, Whigs of Massachusetts, call upon their fellow-citizens throughout the Commonwealth, who are opposed to the nomination of CASS and TAYLOR, to meet in Convention at Worcester, on *Wednesday*, the 28th day of June current, to take such steps as the occasion shall demand, in support of the PRINCIPLES to which they are pledged, and to co-operate with the other Free States in a Convention for this purpose."

My first political service was folding and directing these circulars. The Convention was held, and Samuel Hoar presided. It was addressed by men most of whom afterward became eminent in the public service. Among them were Charles Sumner, Charles Francis Adams, Henry Wilson, E. R. Hoar, Edward L. Keyes, Charles Allen, Lewis D. Campbell, of Ohio, and Abraham Payne, of Rhode Island. Richard H. Dana was present, but I think he did not speak. William Lloyd Garrison and Francis Jackson were present, but took no part whatever. I rode to Boston in a freight car after the convention was over, late at night. Garrison and Jackson were sitting together and talking to a group of friends. Garrison seemed much delighted with the day's work, but said he heard too much talk about the likelihood that some of the resolutions would be popular and bring large numbers of votes to the party. He said: "All you should ask is, what is the rightful position? and then take it." Among the resolutions was this:

"That Massachusetts looks to Daniel Webster to declare to the Senate and to uphold before the country the policy of the Free States; that she is relieved to know that he has not endorsed the nomination of General Taylor; and that she invokes him at this crisis to turn a deaf ear to 'optimists' and 'quietists', and to speak and act as his heart and his great mind shall lead him."

Daniel Webster's son Fletcher was present, and heartily in accord with the meeting; and this resolution was passed with his full approval. It met great opposition from the men who had come into the movement from the Liberty Party and from the Democratic Party. The shouts of "No, no; too late" were nearly, if not quite, equal to the expressions of approval. But the president declared that it was passed.

Mr. Webster sulked in his tent during the summer, and at last, September 1, 1848, made a speech at Marshfield, in which he declared the nomination of Taylor not fit to be made, but gave it a half-hearted support. My brother, Judge E. R. Hoar, had been an enthusiastic admirer of Webster, who had treated him with great personal kindness; and, as I have said, he had been associated with Mr. Webster in the famous Wyman trial. Mr. Webster made a speech in the Senate in August, declaring his renewed opposition to the extension of slavery. Mr. Hoar wrote a letter expressing his satisfaction with that speech, and urging him to take his proper place at the head of the Northern Free Soil movement. This is Mr. Webster's reply. It is interesting as the last anti-slavery utterance of Daniel Webster.

MARSHFIELD, August 23, 1848.

My Dear Sir:

I am greatly obliged to you, for your kind and friendly letter. You overrate, I am sure, the value of my speech, it was quite unpremeditated and its merit, if any, consists I presume in its directness and brevity. It mortified me to see that some of the newspaper writers speak of it as the "taking of a position"; as if it contained something new for me to say. You are not one of them, my dear sir, but there are those who will not believe that I am an anti-slavery man unless I repeat the declaration once a week. I expect they will soon require a periodical affidavit. You know, that as early as 1830 in my speech on Foote's resolution, I drew upon me the anger of enemies, and a regret of friends by what I said against slavery, and I hope that from that day to this my conduct has been consistent. But nobody seems to be esteemed to be worthy of confidence who is not a new convert. And if the new convert be as yet but half converted, so much the better. This I confess a little tries one's patience. But I can assure you in my own case, it will not either change my principles or my conduct.

It is utterly impossible for me to support the Buffalo nomination. I have no confidence in Mr. Van Buren, not the slightest. I would much rather trust General Taylor than Mr. Van Buren even on this very question of slavery, for I believe that General Taylor is an honest man and I am sure he is not so much committed on the wrong side, as I know Mr. Van Buren to have been for fifteen years. I cannot concur even with my best friends in giving the lead in a great question to a notorious opponent to the cause. Besides; there are other great interests of the country in which you and I hold Mr. Van Buren to be essentially wrong, and it seems to me that in consenting to form a party under him Whigs must consent to bottom their party on one idea only, and also to adopt as the representative of that idea a head chosen on a strange emergency from among its steadiest opposers. It gives me pain to differ from Whig friends whom I know to be as much attached to universal liberty as I am, and they cannot be more so. I am grieved particularly to be obliged to differ in anything from yourself and your excellent father, for both of whom I have cherished such long and affectionate regards. But I cannot see it to be

my duty to join in a secession from the Whig Party for the purpose of putting Mr. Van Buren at the head of the Government. I pray you to assure yourself, my dear Sir, of my continued esteem and attachment, and remember me kindly and cordially to your father.

Yours, etc.,
DANIEL WEBSTER

Honorable E. Rockwood Hoar.

Mr. Hoar had before had a somewhat interesting interview with Mr. Webster to the same effect. Late in the winter, before the convention at Philadelphia, some young Whigs had a dinner at the Tremont House, to concert measures to support his candidacy. There were forty or fifty present. Mr. Webster was expected to speak to them, but his daughter Julia was very ill. He sent them a message that he would see them at the house in Summer Street where he was staying. So when the dinner was half over, the party walked in procession to Mr. Paige's house. As Judge Hoar described the interview, he seemed very glum. He shook hands with the young men as they passed by him, but said very little. There was an awkward silence, and they were about to take leave, when the absurdity of the position struck Mr. Hoar, who was the youngest of the party, rather forcibly. Just then he heard Mr. Webster say to somebody near him: "The day for eminent public men seems to have gone by." Whereupon Hoar stepped forward and made him a brief speech, which he began by saying that the object of their coming together was to show that, in their opinion, the day for eminent public men had not gone by, and some more to the same effect. Webster waked up and his eyes flashed and sparkled. He made a speech full of vigor and fire. He spoke of his name being brought before the Whig convention at Philadelphia, and of his fidelity to the party. He said that whether his own name should be in the judgment of the convention suitable or the best to present to the country the convention would determine, and added: "If the convention shall select anyone of our conspicuous leaders, trained and experienced in civil affairs, of national reputation as a statesman, he will receive my hearty support. But if I am asked whether I will advise the convention at Philadelphia to nominate, or if nominated I will recommend the people to support for the office of President of the United States, a swearing, fighting, frontier colonel, I only say that I shall not do it."

Many people think that if Mr. Webster would have supported General Taylor's policy of dealing with the questions relating to slavery it would have prevailed, and that the country would have been pacified and the Civil War avoided. I do not think so. The forces on both sides who were bringing on that conflict were too powerful to be subdued by the influence of any individual statesman. The irrepressible conflict had to be fought out. But Mr. Webster's attitude not only estranged him from the supporters of General Taylor in his own party, but, of course, made an irreparable breach between him and the anti-slavery men who had founded the Free Soil Party. He was the chief target for all anti-slavery arrows from March 7, 1850, to his death.

When I was in the Harvard Law School, Mr. Webster was counsel in a very interesting divorce case where Choate was upon the other side. The parties were in high social position and very well known. Mr. Choate's client, who was the wife, was charged with adultery. I did not hear the closing argument, but my classmates who did reported that Mr. Webster spoke of the woman with great severity and argued the case with a scriptural plainness of speech. He likened the case of the husband bound to an adulterous wife to the old Hebrew punishment of fastening a living man to a corpse. "Who shall deliver me from the body of this death?" But Judge Fletcher, who held the court, decided in favor of the wife.

The meeting which gathered at Worcester in pursuance of the above call, inaugurated for the first time a party for the sole object of resisting the extension of slavery. The Liberty Party, which had cast a few votes in the presidential election of 1840, and which, in 1844, had turned the scale in New York and so in the nation against Mr. Clay, was willing to support the candidates of other parties who were personally unobjectionable to them in this respect. But the Free Soil Party, of which the present Republican party is but the continuation under a change of name, determined that no person should receive its support for any national office, who himself continued his association with either of the old political organizations.

The Free Soil Party of Massachusetts cast in the presidential election of 1848 only about 37,000 votes, but it included among its supporters almost every man in the Commonwealth old enough to take part in politics who has since acquired any considerable national reputation. Charles Sumner who had become known to the public as an orator and scholar by three or four great orations, was just at the threshold of his brilliant career. Charles Francis Adams, who had served respectably but without great distinction, in each branch of the Legislature, brought to the cause his inflexible courage, his calm judgment, and the inspiration of his historic name. John A. Andrew, then a young lawyer in Boston, afterward to become illustrious as the greatest war Governor in the Union, devoted to the cause an eloquence stimulant and inspiring as a sermon of Paul. John G. Palfrey, then a Whig member of

Congress from the Middlesex District, discussed the great issue in speeches singularly adapted to reach the understanding and gratify the taste of the people of Massachusetts, and in a series of essays whose vigor and compactness Junius might have envied, and with a moral power which Junius could never have reached. Anson Burlingame, afterward Minister to China, captivated large crowds with his inspiring eloquence.* Samuel G. Howe, famous in both hemispheres by his knightly service in the cause of Greek independence, famous also by his philanthropic work in behalf of the insane and blind, brought his great influence to the party. Henry Wilson, a mechanic, whose early training had been that of the shoemaker's shop, but who understood the path by which to reach the conscience and understanding of the workingmen of Massachusetts better than any other man, had been also a delegate to the Convention at Philadelphia, and had united with Judge Allen in denunciation of its surrender of liberty. Stephen C. Phillips, a highly respected merchant of Salem, and formerly Whig Representative from the Essex District, gave the weight of his influence in the same direction. Samuel Hoar, who had been driven from South Carolina when he attempted to argue the case for the imprisoned colored seamen of Massachusetts before the courts of the United States, one of the most distinguished lawyers of the Massachusetts bar, came from this retirement in his old age to give his service in the same cause; of which his son, E. R. Hoar, was also a constant, untiring, and enthusiastic champion. Richard H. Dana, master of an exquisite English style, the only Massachusetts advocate who ever encountered Rufus Choate on equal terms, threw himself into the cause with all the ardor of his soul. On the Connecticut River, George Ashmun, the most powerful of the Whig champions in western Massachusetts, found more than his match in Erastus Hopkins. William Claflin, afterward Speaker, Lieutenant Governor, and Governor of Massachusetts, member of the National House of Representatives, and Chairman of the Republican National Committee, was then in his early youth. But he had already gained a competent fortune by his business sagacity. He brought to the cause his sound judgment, his warm and affectionate heart, and his liberal hand. He was then, as he has ever since been, identified with every good and generous cause. His stanch friendship was then, as it has been ever since, the delight and comfort of the champions of freedom in strife and obloquy.

[Footnote] * Shortly after Burlingame came into active life, he made a journey to Europe. The American Minister obtained for him a ticket of admission to the House of Commons. He was shown into a very comfortable seat in the gallery. In a few minutes an official came and told him he must leave that seat; that the gallery where he was was reserved for Peers. They are very particular about such things there. Burlingame got up to go out when an old Peer who happened to be sitting by and had heard what was said, interposed. "Let him stay, let him stay. He is a Peer in his own country." "I am a Sovereign in my own country, Sir," replied Burlingame, "and shall lose caste if I associate with Peers." And he went out. [End of Footnote]

Each of these men would have been amply fitted in all respects for the leader of a great party in State or Nation. Each of them could have defended any cause in which he was a believer, by whatever champion assailed. They had also their allies and associates among the representatives of the press. Among these were Joseph T. Buckingham, of the Boston *Courier*, then the head of the editorial fraternity in Massachusetts; John Milton Earle, the veteran editor of the Worcester *Spy*; William S. Robinson, afterward so widely known as Warrington, whose wit and keen logic will cause his name to be long preserved among the classics of American literature.

I have spoken of some of these men more at length elsewhere. I knew them, all but two, very intimately. I only knew Joseph T. Buckingham by sight. He edited the Boston *Courier* with great ability. He was a member of both Houses of the Massachusetts Legislature. He was a member of the State Senate in 1850 and 1851. He left the *Courier* in June, 1848, about the time the Free Soil movement begun, and was not active in politics afterward.

I had no personal acquaintance with Charles Francis Adams. I have known his son, Charles Francis Adams, President of the Massachusetts Historical Society, pretty well. He inherits a great deal of the ability and independence which belongs to his race. He would undoubtedly have taken a very high place in the public and official life of his generation if he had found himself in accord with either of the great political parties.

I do not think anybody, except the very intimate friends of Charles Francis Adams, was aware of his great abilities until he manifested them amid the difficulties of the English Mission. They were known, however, to a few men who were intimate with him. I was quite astonished one day when I called on Dr. Palfrey, at his house in Cambridge in 1852, and he told me Mr. Adams was entirely competent for the office of President of the United States.

Mr. Adams was rather dull as a public speaker. He was apt to announce commonplaces slowly and deliberately, as if they were something he thought his audience was listening to for the first time. But the influence of his historic name was very great. His marvellous resemblance to his father and grandfather made a great impression. When he said at Worcester on the 28th of June, 1848: "I say, in

words to which I have a hereditary right, 'Sink or Swim, Live or Die, Survive or Perish, I give my hand and my heart to this movement,'" it seemed to the audience as if old John Adams had stepped down from Trumbull's picture of the Signing of the Declaration of Independence to give his benediction.*

[Footnote] * I like very much the epitaph which his sons placed over him in the burial place at Quincy. Every word of it is true.

THIS STONE
MARKS THE GRAVE OF
CHARLES FRANCIS ADAMS
SON OF JOHN QUINCY
AND LOUISA CATHERINE (JOHNSON)
ADAMS
BORN 18 AUGUST 1807

Trained from his youth in politics and letters
His manhood strengthened by the convictions
Which had inspired his fathers
He was among the first to serve
And among the most steadfast to support
That new revolution
Which restored the principles of liberty
To public law
And secured to his country
The freedom of its soil
During seven troubled and anxious years
Minister of the United States in England
afterward arbitrator at the tribunal of Geneva
He failed in no task which his Government imposed
Yet won the respect and confidence
of two great nations
Dying 21 November 1886
He left the example
of high powers nobly used
and the remembrance
of a spotless name.

[End of Footnote]

Besides these more conspicuous leaders, there was to be found, in almost every town and village in Massachusetts, some man eminent among his neighbors for purity of life, for philanthropy, and for large intelligence who was ready to join the new party. The glowing hopes and dreams and aspirations of youth were inspirited by the muse of Whittier and Longfellow and Lowell and Bryant. The cause of free labor appealed to the strongest sympathies of the mechanics of Essex and the skilled laborers of Worcester.

Four years afterward Daniel Webster, as he lay dying at Marshfield, said to the friend who was by his side: "The Whig candidate will obtain but one or two States, and it is well; as a national party, the Whigs are ended."

The Whig Party retained its organization in Massachusetts until 1856; but its intellect and its moral power were gone. Mr. Winthrop, as appears from the excellent "Life" published by his son, had no sympathy with Mr. Webster's position. Mr. Webster died, a disappointed man, in the autumn of 1852. He took no part in political affairs in Massachusetts after 1850. Mr. Choate, who was to follow his great leader to the grave within a few years, transferred his allegiance to the Democrats. Mr. Everett, after a brief service in the Senate, a service most uncongenial to his own taste, resigned his seat in the midst of the angry conflict on the Nebraska bill, and devoted himself to literary pursuits until, when the war broke out, he threw himself with all his zeal, power, and eloquence into the cause of his country.

CHAPTER IX LIFE IN WORCESTER

After leaving college I studied for a year in my brother's office in Concord, then for two years at the Harvard Law School, and afterward for four months in the office of Judge Benjamin F. Thomas in Worcester. I was led to choose Worcester as a place to live in chiefly for the reason that that city and county were the stronghold of the new Anti-Slavery Party, to which cause I was devoted with all my heart and soul. I have never regretted the choice, and have spent my life there, except when in Washington, for considerably more than half a century. In that time Worcester has grown from a city of

fifteen thousand to a city of one hundred and thirty thousand people. I can conceive of no life more delightful for a man of public spirit than to belong to a community like that which combines the youth and vigor and ambition of a western city with the refinement and conveniences, and the pride in a noble history, of an old American community. It is a delight to see it grow and a greater delight to help it grow,—to help improve its schools, and found its Public Library, and help lay the foundations of great institutions of learning. Worcester had an admirable Bar, admirable clergymen, and physicians of great skill and eminence. Among her clergymen was Edward Everett Hale, then in early youth, but already famous as a preacher throughout the country. There was no Unitarian pulpit where he was not gladly welcomed. So his congregation here, by way of exchange, heard the most famous pulpit orators of the country.

Among the physicians was Dr. Joseph Sargent, a man then without a superior in his profession in Massachusetts. The friendship I formed with him in 1849 lasted till his death, more than forty years afterward.

The mechanics of Worcester were unsurpassed for their ingenuity anywhere on the face of the earth. Worcester was the centre and home of invention. Within a circle of twelve miles radius was the home of Blanchard, the inventor of the machine for turning irregular forms; of Elias Howe, the inventor of the sewing machine; of Eli Whitney, the inventor of the cotton gin, which doubled the value of every acre of cotton-producing land in the country; of Erastus B. Bigelow, the inventor of the carpet machine; of Hawes, the inventor of the envelope machine; of Crompton and Knowles, the creators and perfectors of the modern loom; of Ruggles, Nourse and Mason, in whose establishment the modern plow was brought to perfection, and a great variety of other agricultural implements invented and improved. There were many other men whose inventive genius and public usefulness were entitled to rank with these. The first house-warming furnace was introduced here, and the second cupola furnace was set up near by.

These inventors and mechanics were all men of great public spirit, proud of Worcester, of its great achievements, and its great hope. They got rich rapidly. They and their households made social life most delightful. There was little pride of family or wealth. Men and women were welcomed everywhere on their merits.

The City of Worcester was the heart of one of the foremost agricultural counties in the country. The county stood fourth among American counties in the value of its agricultural products, and the proportion of the value of the product to the value of the lands. It was the spot on the face of the earth where labor got the largest proportion of the joint product of labor and capital. The farmers made an excellent living. They made excellent legislators, excellent town officers, excellent jurors, and excellent clients. I have been at some time or other in my life counsel for every one of the fifty-two towns in Worcester County. I had a large clientage among the farmers. In the intimacy of that relation I got a knowledge of the inmost soul and heart of a class of men who I think constituted what was best in American citizenship, a knowledge which has been a great educational advantage to me and valuable in a thousand ways in my public and professional life.

From the first of December, 1849, until the fourth of March, 1869, I was diligently employed in my profession, save for a single year's service in each house of the Massachusetts Legislature. But during all that time I kept a very zealous interest in political affairs. I was Chairman of the County Committee for several years, made political speeches occasionally, presided at political meetings, always attended the caucus and was in full sympathy and constant communication with the Free Soil and Republican leaders.

The Worcester Bar in my time afforded a delightful companionship. It was like a college class in the old days. My best and most cordial friends were the men whom I was constantly encountering in the courts. The leaders of the Bar when I was admitted to it,—Charles Allen, Emory Washburn, Pliny Merrick, Benjamin F. Thomas, Peter C. Bacon,—would have been great leaders at any Bar in the United States, or on any circuit in England. Study at a law school is invaluable to the youth if he is to rise in his profession; but there is no law school like a court-house when such men are conducting trials. The difficult art of cross-examination, the more difficult art of refraining from cross-examination, can only be learned by watching men who are skilled in the active conduct of trials.

The Supreme Court of Massachusetts at that day with Chief Justice Shaw at its head was without an equal in the country and not surpassed by the Supreme Court of the United States itself. I can conceive of no life more delightful than that of a lawyer in good health, and with good capacity, and with a sufficient clientage, spent in that manly emulation and honorable companionship.

The habit of giving dissenting opinions which has become so common both in the Supreme Court of the United States and of late in the Massachusetts Supreme Court did not then exist. If there were a division on an important question of law the statement of the result was usually "a majority of the Court

is of opinion." That was all. I do not believe any court can long retain public confidence and respect when nearly all its opinions in important matters are accompanied by a powerful attack on the soundness of the opinion and the correctness of the judgment from the Bench itself. The Reporter of the Commonwealth of Massachusetts is, I believe, authorized to report the decisions of the court more or less at length at his discretion. If he would exercise that discretion by an absolute refusal to print dissenting opinions, except in a few very great and exceptional cases, he would have the thanks of the profession. It may be harder to put a stop to the practice in the Supreme Court of the United States. That will have to be done, if at all, by the good sense of the Judges. The recent opinions of the Court in what are known as the Insular Cases have shocked the country and greatly diminished the weight and authority of the tribunal. This was not because of public disapproval of the opinion of the Court. It was because upon one of the greatest questions of Constitutional law and Constitutional liberty that ever went to judgment, there could be found no single reason for the decision of the Court strong enough to convince any two judges.

The fact that I have been for nearly thirty-five years in public life, and likely to be, if I live, in public life a few years longer, is an instance of how—

The best laid schemes o' mice and men
Gang aft a-gey.

Down to the time I was admitted to the Bar, and indeed for a year later, my dream and highest ambition were to spend my life as what is called an office lawyer, making deeds and giving advice in small transactions. I supposed I was absolutely without capacity for public speaking. I expected never to be married; perhaps to earn twelve or fifteen hundred dollars a year, which would enable me to have a room of my own in some quiet house, and to earn enough to collect rare books that could be had without much cost. I can honestly say with George Herbert: "I protest and I vow I even study thrift, and yet I am scarce able, with much ado, to make one half year's allowance shake hands with the other. And yet if a book of four or five shillings come in my way, I buy it, though I fast for it; yea, sometimes of ten shillings."

But I happened one night in the autumn of 1850 to be at a great mass meeting in the City Hall, at Worcester, which Charles Allen was expected to address. It was the year of the Compromise Measures, including the Fugitive Slave Law, and of Daniel Webster's 7th of March speech. Judge Allen, as he was somewhat apt to do, came in late. A vast audience had gathered and were waiting. Nobody seemed ready to speak. Somebody started the cry, "Hoar! Hoar!" My father and brother were known as leaders in the Free Soil Party, and that I suppose made somebody call on me. I got up in my place in the middle of the hall in great confusion. There were shouts of "platform," "platform." I made my way to the platform, hoping only to make my excuses and get off without being detected. But the people were disposed to be good-natured, and liked what I said. Dr. Stone, the famous stenographic reporter, was present and took it down. It was printed in the Free Soil papers, and from that time I was in considerable demand as a public speaker. The coalition between the Free Soilers and Democrats carried the State of Massachusetts that year and elected Sumner Senator and Boutwell Governor. The next year Worcester failed to elect her representatives to the Legislature, which were voted for all on one ticket and required a majority, and there was to be a second election on the fourth Monday of November. There was a delegate convention to nominate representatives, of which I was a member. When the vote was announced, to my surprise and consternation, I was one of the persons nominated. Nobody had said a word to me about it beforehand. That was Friday night. I told the Convention I could not accept such a nomination without my father's approval. I was then twenty-five years old. It was proposed that the Convention adjourn until the next evening, and that meantime I should go down to Concord and see if I could get my father's leave. Accordingly the Convention adjourned to see if the infant candidate could get permission to accept. My father told me he thought that to go to the Legislature once would be useful to me in my profession; I should learn how laws were made, and get acquainted with prominent men from different parts of the State. So he advised me to accept, if I would make up my mind that I would go only for one year, and would after that stick to the law, and would never look to politics as a profession or vocation. I accepted the nomination, was elected, and was made Chairman of one of the Law Committees in the House.

I declined a reelection and devoted myself to my profession, except that I served in the Massachusetts Senate one year, 1857, being nominated unexpectedly and under circumstances somewhat like those which attended my former nomination. I was Chairman of the Judiciary Committee that year. I devoted all my time, day and even far into the night, to my legislative duties. I was never absent a single day from my seat in the House in 1852, and was absent only one day from my seat in the Senate, in 1857, when I had to attend to an important law suit. It so happened that there was a severe snow storm that day, which blocked up the railroads, so that there was no quorum in the Senate. I could not myself have got to the State House, if I had tried. I suppose I may say without arrogance that I was the leader of the Free Soil Party in each House when I was a member of it. In 1852 I

prepared, with the help of Horace Gray, afterward Judge, who was not a member of the Legislature, the Practice Act of 1852, which abolished the common law system of pleading, and has been in principle that on which the Massachusetts courts have acted in civil cases ever since. I studied the English Factory legislation, and read Macaulay's speeches on the subject. I became an earnest advocate for shortening the hours of labor by legislation. That was then called the ten-hour system. Later it has been called the eight-hour system. I made, in 1852, a speech in favor of reducing the time of labor in factories to ten hours a day which, so far as I know, was the first speech in any legislative body in this country on that subject. My speech was received with great derision. The House, usually very courteous and orderly, seemed unwilling to hear me through. One worthy old farmer got up in his seat and said: "Isn't the young man for Worcester going to let me get up in the morning and milk my caouws."

When a member of the Senate in 1857, I was Chairman of the Judiciary Committee. I made a very earnest and carefully prepared speech against the asserted right of the jury to judge of the law in criminal cases. It is a popular and specious doctrine. But it never seemed to me to be sound. Among others, there are two reasons against it, which seem to me conclusive, and to which I have never seen a plausible answer. One is that if the jury is to judge of the law, you will have as many different laws as you have juries. There is no revision of their conclusion. They are not obliged to tell, and there is no way in which the court can know, what their opinion was. So a man tried on one side of the court-house may be held guilty, and another man tried on the other side of the court-house may be held innocent for precisely the same act.

The other reason is that the court must always decide what evidence shall be admitted. So if the jury are to be the judges of the law, one authority must determine what evidence they shall consider, and another determine what law shall be applied to it. For instance, suppose a defendant charged with homicide offers to prove certain facts which as he claims justify the killing. The Judge says these facts do not, under the law, justify the killing and excludes the evidence. That may be the real point in the case, and the jury may believe that those facts fully justify the homicide; still they cannot be permitted to hear them. It is preposterous to suppose that so logical and reasonable a system as the Common Law could ever have tolerated such an absurdity. My friend, Mr. Justice Gray of the United States Supreme Court, an admirable judge and one of the great judges of the world, in his dissenting opinion in *Sparf et al. v. U. S.*, 156, *U. S. Reports*, page 51, etc., has little to say on this point, except that of course there must be some authority to regulate the conduct of trials.

I declined a reelection to the Senate. I was twice nominated for Mayor by the Republicans of Worcester, when the election of their candidate was sure; once by a Citizens' Convention, and once by a Committee authorized to nominate a candidate, and another year urged by prominent and influential citizens to accept such a nomination. But I preferred my profession. I never had any desire or taste for executive office, and I doubt if I had much capacity for it.

When Charles Allen declined reelection to Congress, in 1852, I have no doubt I could have succeeded him if I had been willing, although I was but twenty-six years old, only a year past the Constitutional age.

As I found myself getting a respectable place in the profession my early ambitions were so far changed and expanded that I hoped I might some day be appointed to the Supreme Court of the Commonwealth of Massachusetts. It seemed to me then, as it seems to me now, that there could be no more delightful life for a man competent to the service than one spent in discussing with the admirable lawyers, who have always adorned that Bench, the great questions of jurisprudence, involving the rights of citizens, and the welfare of the Commonwealth, and helping to settle them by authority. This ambition was also disappointed. I have twice received the offer of a seat on that Bench, under circumstances which rendered it out of the question that I should accept it, although on both occasions I longed exceedingly to do so.

Shortly after I was admitted to the Bar, good fortune brought me at once into the largest practice in the great County of Worcester, although that Bar had always been, before and since, one of the ablest in the country. Judge Emory Washburn, afterward Governor and Professor of Law at Harvard, and writer on jurisprudence, had the largest practice in the Commonwealth, west of Boston, and I suppose with one exception, the largest in the Commonwealth outside of Boston. He asked me to become his partner in June, 1852. I had then got a considerable clientage of my own. Early in 1853 he sailed for Europe, intending to return in the fall. I was left in charge of his business during his six months' absence, talking with the clients about cases in which he was already retained, and receiving their statements as to cases in which they desired to retain him on his return. Before he reached home he was nominated for Governor by the Whig Convention, to which office he was elected by the Legislature in the following January. So he had but a few weeks to attend to his law business before entering upon the office of Governor. I kept on with it, I believe without losing a single client. That winter I had extraordinarily good fortune, due I think very largely to the kindly feeling of the juries toward so young

a man attempting to undertake such great responsibilities.

My professional life from January 1, 1850, until the 4th of March, 1869, was a life of great and incessant labor. When the court was in session I was constantly engaged in jury trials. Day after day, and week after week, I had to pass from one side of the court-house to the other, being engaged in a very large part of the important actions that were tried in those days. The Court had long sessions. The judges who came from abroad were anxious to get their work done and go back to their homes. So the Courts sat from half past eight or nine o'clock in the morning until six in the afternoon with an intermission of an hour, or an hour and a quarter, for dinner. The parties to the suits came from all over Worcester County. Frequently it was impossible to see the witnesses until the trial came on, or just before. So the lawyer had to spend his evenings and often far into the night in seeing witnesses and making other preparations for the next day. General Devens and I had at one term of the Supreme Court held by Chief Justice Bigelow twenty trial actions. The term resulted in a serious injury to my eyes and in my being broken down with overwork. So I was compelled to go to Europe the following year for a vacation.

But I found time somehow, as I have said, to keep up a constant and active interest in politics. I was also able to contribute something to other things which were going on for the benefit of our growing city. I got up the first contribution for the Free Public Library, of which I was made President. I took a great interest in the founding of the famous Worcester Polytechnic Institute, and I was the first person named in its Act of Incorporation. The first meeting of its Trustees was held in my office, and I am now the only surviving member of that Board, in which I have retained a warm interest ever since. In 1869 I made before the Massachusetts Legislature, on a petition which was successful for a legislative grant to that school, what I believe is the first public address ever made in behalf of Technical Education in this country. I was for some time President of the Board of Trustees of the City Library and while President planned the excellent reading room connected with the Library, for which I obtained a handsome endowment by personal solicitation.

I was also Trustee of Leicester Academy.

The Worcester Lyceum, which furnished the principal course of lectures in the city in those days, was in the hands of some very worthy and conservative old Whigs. They would not permit any politics or religion, or what was called Radicalism, either in religious or social matters, to be discussed on their platform. So we had to listen to very respectable and worthy, but rather dull and tame conservative gentlemen, or stay away, as we preferred. A few of the young men, of whom I was one, conspired to get possession of the Lyceum. They turned out in force for the election of officers, chose me President, and we got Wendell Phillips and Theodore Parker and Ralph Waldo Emerson and other shining lights of a newer philosophy, much to the indignation of the old Whig magnates. But the lectures were very successful, and at the end of my Presidency, which lasted two or three years, we had an ample balance in our treasury.

If I were to give an account of my professional life for twenty years, I must make another book. It was full of interest and romance. The client in those days used to lay bare his soul to his lawyer. Many of the cases were full of romantic interest. The lawyer followed them as he followed the plot of an exciting novel, from the time the plaintiff first opened his door and told his story till the time when he heard the sweetest of all sounds to a lawyer, the voice of the foreman saying: "The jury find for the plaintiff." Next to the "yes," of a woman, that is the sweetest sound, I think, that can fall on human ears.

I used to have eighteen or twenty law cases at the fall term each year. The judges gave their opinions orally in open Court, and the old judges like Shaw and Metcalf, used to enliven an opinion with anecdotes or quaint phrases, which lent great interest to the scene. If Walter Scott could have known and told the story of the life of an old Massachusetts lawyer from the close of the Revolution down to the beginning of the Rebellion, there is nothing in the great Scotch novels which would have surpassed it for romance and for humor.

I think I may fairly claim that I had a good deal to do with developing the equity system in the courts of Massachusetts, and with developing the admirable Insolvency system of Massachusetts, which is substantially an equity system, from which the United States Bankruptcy statutes have been so largely copied.

The great mass of the people of Massachusetts, Whigs and Democrats as well as Republicans, were loyal and patriotic and full of zeal when the war broke out. A very few of the old Whigs and Democrats, who were called "Hunkers" or "Copperheads," sympathized with the Rebellion, or if they did not, were so possessed with hatred for the men who were putting it down that they could find nothing to approve, but only cause for complaint and faultfinding. Andrew, the Governor, Sumner and Wilson, the Senators, most of the members of Congress, most of the leaders in the Legislature and in the military and political activities, were of the old Free Soil Party. There was a feeling, not wholly unreasonable, that

the old Whigs had been somewhat neglected, and that their cooperation and help were received rather coldly. This feeling led to the movement, called the People's Party, which begun at a large public meeting in Cambridge, where my dear old friend and partner, ex-Governor Washburn, was one of the speakers. That party called a State Convention and nominated Charles Devens for Governor. Devens had been an old Whig. He had become a Republican in 1856, and had been one of the earliest to enlist in the War, in which he became afterward the most famous Massachusetts soldier. He was a man of spirit, very affectionate and generous, always ready to stand by his friends, especially if he suspected that anybody had treated them unjustly. The People's Party sent a Committee to the seat of war in September, 1862. The Committee found Devens in his tent, repeated to him the plans of his old Whig friends, and induced him to accept the nomination of the People's Party for Governor.

I was called to the battlefield of Antietam, where a near kinsman of mine had been mortally wounded, just about the same time. I entered Devens's tent just as this Committee was leaving it with his written acceptance in their hands. I told him the other side of the story, told him how the whole people were alive with enthusiasm, and that Governor Andrew was doing the very best possible, and that these petty jealousies, while there was some little reason for them, ought not to affect the public action of the people. Devens regretted very much what he had done. He told me that if he could recall the letter, he would do it. But it was too late.

Governor Andrew was triumphantly reelected, and Devens was ever after an earnest and loyal Republican.

CHAPTER X POLITICAL HISTORY OF MASSACHUSETTS FROM 1848 TO 1869

In 1848, the Free Soil Party in Massachusetts nominated candidates for State officers. It was made up of Whigs, Democrats and members of the Liberty Party. It had made no distinct issue with the Whig Party upon matters of State administration. Governor Briggs, the Whig Governor, was a wise and honest Chief Magistrate, highly respected by all the people. But the Free Soil leaders wisely determined that if they were to have a political party, they must have candidates for State officers as well as National. It is impossible to organize a political party with success whose members are acting together in their support of one candidate and striving with all their might against each other when another is concerned. My father was urged to be the Free Soil candidate for Governor. Charles Francis Adams and Edmund Jackson visited him at Concord to press it upon him as a duty. Charles Allen wrote him an earnest letter to the same effect. But he was an old friend of Governor Briggs and disliked very much to become his antagonist. He looked to the Whig Party for large accessions to the Free Soil ranks. A large plurality of the people of the community were still devoted to that party. He doubted very much the wisdom of widening the breach between them by a conflict on other questions than that of slavery. So he refused his consent. Stephen C. Phillips, an eminent Salem merchant, and a former Member of Congress, was nominated. The result was there was no choice of State officers by the people, and the election of the Whig candidates was made by the Legislature.

The next year it occurred to the leaders of the Free Soil and Democratic Parties that they had only to unite their forces to overthrow the Whigs. The Free Soil leaders thought the effect of this would be the eventual destruction of the Whig Party at the North,—as afterward proved to be the case,—and the building up in its place of a party founded on the principle of opposition to the extension of slavery. So in 1849 there was a coalition between the Free Soil and the Democratic Parties in some counties and towns, each supporting the candidates of the other not specially obnoxious to them, neither party committing itself to the principles of the other party or waiving its own. In the fall of the next year, 1850, this policy was pursued throughout the State and resulted in the election by the Legislature of a Democratic Governor, Mr. Boutwell, and of Charles Sumner as the successor of Daniel Webster in the Senate. The experiment was repeated with like success in the fall of 1851.

These two parties had little in common. They could not well act together in State matters without some principle or purpose on which they were agreed other than mere desire for office and opposition to the Whig Party. They found a common ground in the support of a law providing for secrecy in the ballot. There had been great complaint that the manufacturers, especially in Lowell, who were in general zealous Whig partisans, used an undue influence over their workmen. It was said that a man known to be a Democrat, or a Free Soiler, was pretty likely to get his discharge from the employ of any great manufacturing corporation that had occasion to reduce its force, and that he would have no chance to get an increase of wages. I do not now believe there was much foundation for this accusation. But it was believed by many people at the time. So a law requiring secrecy in the ballot was framed and enacted in spite of great resistance from the Whigs. This has undoubtedly proved a good policy, and has prevailed in Massachusetts ever since, and now prevails largely throughout the country.

But this one measure was not enough to hold together elements otherwise so discordant. So the

Democratic and Free Soil leaders agreed to call a convention to revise the Constitution of the Commonwealth, which had remained unchanged save in a few particulars since 1780. There had been a Convention for that purpose in 1820, made necessary by the separation of Maine. But the old Constitution had been little altered. The concentration of the population in large towns and cities had caused a demand for a new distribution of political power. Many people desired an elective judiciary. Others desired that the judges should hold office for brief terms instead of the old tenure for life. There was a great demand for the popular election of Sheriffs and District Attorneys, who under the existing system were appointed by the Governor. Others desired the choice of Senators, who had before been chosen by the several counties on a joint ticket, by single districts. A proposition for a Convention was submitted to the people by the Legislature of 1851. But the people were attached to the old Constitution. There was a special dread of any change in the independent tenure of the judiciary. So although the coalition had a majority in the State the proposition for a Constitutional Convention was defeated.

The scheme was renewed the next year in the Legislature of 1852, of which I was a member. Several of the Free Soilers, among which I was included, were unwilling to have the matter tried again without a distinct assurance that there should be no meddling with the judiciary. This assurance was given in the report of a joint committee of the Legislature to whom the matter was committed, consisting of the leaders of the Democratic and Republican parties, who reported that there was no purpose to change the judicial tenure with which the people were well satisfied. Accordingly I voted for it. The measure got a bare majority in the House which it would never would have had without that stipulation. The plan was submitted to the people again with a proposition that the choice of delegates to the Constitutional Convention should be by secret ballot. The people approved the plan by a substantial majority.

I have no doubt that the pledge above mentioned was made in good faith and that the men who made it meant to keep it. But before the Convention met two things happened which changed the conditions. The coalition was wrecked. There were two causes for its overthrow. One of them was the appointment by Governor Boutwell of Caleb Cushing to a seat on the Supreme Bench of Massachusetts. General Cushing was a man of great accomplishment, though never a great lawyer. He could collect with wonderful industry all the facts bearing on any historic question and everything that had been said on either side of any question of law. But he never had a gift of cogent argument that would convince any judge or jury. He owed his success in life largely to the personal favor of men who knew him and were charmed by his agreeable quality. He was regarded by the people of Massachusetts as a man without moral convictions and as utterly subservient to the slave power. So his appointment was a great shock to the Anti-Slavery men and made them believe that it was not safe to put political power in Democratic hands. General Cushing vindicated this opinion afterward by the letter written when he was Attorney-General in the Cabinet of President Pierce declaring that the Anti-Slavery movement in the North "must be crushed out," and also by a letter written to Jefferson Davis after the beginning of the Rebellion recommending some person to him for some service to the Confederacy. The discovery of this letter compelled President Grant who had been induced to nominate him for Chief Justice to withdraw the nomination. The other cause was the passage of the bill for the prohibition of the manufacture and sale of intoxicating liquors, known as the Maine law. This measure had passed the Legislature, containing a provision for its submission to the people. It was vetoed by Governor Boutwell. The reason assigned by him was his objection to the provision for its submission to the people, without the secret ballot. The referendum, a scheme by which men charged with political duties avoid responsibility by submitting to the people measures which they fear may be unpopular, —has never found much favor in Massachusetts. After many changes of sentiment, and after passing, modifying, and repealing many laws, the people of the Commonwealth seem to have settled down on a policy which permits each town or city to decide by vote whether the sale of liquor shall be permitted within their limits. The bill was then passed, without the reference to the people. But the measure sealed the fate of the coalition. Some of its provisions, especially that for seizing and destroying stocks of liquor kept for sale in violation of law, were very severe, and were held unconstitutional by the Court. The liquor sellers, almost all of them, were Democrats. They would not readily submit to a law which made their calling criminal.

So the Whigs were restored to power by the fall election in 1852. Their heads were turned by their success. They did not quite dare to repeal the law providing for a Constitutional Convention, but they undertook to repeal so much of it as required that the choice of delegates should be by secret ballot. The minority resisted this repeal with all their might. They alleged with great reason that it was not decent for the Legislature to repeal a provision which the people has expressly approved. But their resistance was in vain, and after a long and angry struggle which stirred the people of the Commonwealth profoundly the provision for the secret ballot was abrogated. But the result of the contest was that the Whigs were routed at the special election for delegates to the Convention. That body was controlled by the Coalition by a very large majority. Their triumph made them also lose their heads.

So when the Convention assembled in 1853, they disregarded the pledges which had enabled them to get the assent of the people to calling the convention, and provided that the tenure of office of the Judges of the Supreme Court should be for ten years only, and that the Judges of Probate should be elected by the people of the several counties once in three years. It is said, and, as I have good reason to know, very truly, that this action of the Convention was taken in consequence of a quarrel in Court between the late Judge Merrick and General Butler and Mr. Josiah G. Abbott, two eminent leaders of the Democrats, members of the Convention. They had neither of them agreed to the proposition to change the judicial tenure. They were absent from the convention for several days in the trial of an important cause before Merrick, and returned angry with the Judge and determined to do something to curb the independent power of the Judges. The proposition was adopted.

These schemes were a distinct violation of the pledge which had been given when the Legislature submitted to the people the proposition for calling the Convention. Of course it was a fair answer to this complaint to say that the members of the committee who made that report could in such a matter bind nobody but themselves. That was true. But I think if the men who signed that report, and the men who joined them in giving the assurance to the people, had been earnest and zealous in the matter it is quite likely they could have prevented the action of the Convention.

The scheme for a new constitution passed the Convention by a large majority and was submitted to the people. The Whig leaders, who seemed to have had all their wisdom and energy taken out of them when the Free Soilers left them, were much alarmed by the strength of the discontent with the existing order of things manifested by the coalition victory in the election of the Constitutional Convention. Many of them concluded that it would be unwise to resist the popular feeling. One Saturday afternoon during that summer I was in the office of Francis Wayland, a great friend of mine, long Dean of the New Haven Law School, when Henry S. Washburn, a member of the Whig State Central Committee, came into Wayland's office and told me he had just attended a meeting of the Committee that day and that it determined to make no contest against the new Constitution. The Springfield *Republican*, then a Whig journal, had an article that day, or the following Monday, to the same effect. I was very much disturbed. I hurried to Concord by the first train Monday morning, and saw my brother, who was then a Judge of the Court of Common Pleas. He agreed with me in thinking that the proposed scheme of government a very bad one. He went at once to Cambridge and saw John G. Palfrey, a very able and influential leader of the Free Soilers. Mr. Palfrey agreed that the Constitution ought to be defeated, if possible. Judge Hoar and he sat down together and prepared a pamphlet, the Judge furnishing all the legal argument and Mr. Palfrey the rest, clothing it all in his inimitable style. It was published under Dr. Palfrey's name. Judge Hoar, being then upon the bench, did not think it becoming to take any more public action in the matter, although he made his opinion known to all persons who cared to know it. Charles Francis Adams and Marcus Morton also made powerful arguments on the same side. My father, Samuel Hoar, also made several speeches against the Constitution. At this defection of so many Free Soilers the Whig leaders took heart and made a vigorous and successful resistance.

The result was that the people voted down the whole constitution. Several of the most eminent leaders of the Free Soilers and Democrats separated themselves from their party and joined the Whigs in defeating it. Among them were Marcus Morton, formerly Governor and Judge of the Supreme Court; John G. Palfrey, who had been the Free Soil candidate for Governor; Charles Francis Adams, afterward member of Congress and Minister to England, and Samuel Hoar.

I was myself, at this time, an enthusiastic Free Soiler, and was, as I have said, Chairman of the Republican County Committee, but I joined the rebels against the dominant feeling of my party.

The defeat of the Constitution was aided, however, undoubtedly by a very just and righteous proposal which was submitted to a separate vote of the people, but which had its effect on the feeling in regard to the whole scheme, to prohibit the use of any money raised by taxation for sectarian schools. To this the Catholic clergy were opposed, and the Catholic vote, not however then very important in Massachusetts, was cast against the whole scheme.

But the Whigs did not entirely get over the feeling that something must be done to propitiate the desire for change. Accordingly they, through the Legislature, submitted to the people propositions for the election by the people of the counties of Sheriffs and District Attorneys who before that time had been appointed by the Governor. These proposals were ratified by the people and became part of the Constitution. I have always thought the change a bad one. I think the Governor likely to make quite as good if not a better choice of Sheriffs and District Attorneys than the people. But the objection to the new system is this. So long as the State makes the laws, the State, whether acting by a popular vote or through its executive, should have the power to enforce them and select the instrumentalities for that purpose. Now if the particular law which the State enacts be unpopular in a particular county, and the people be determined to defeat it, no Sheriff or District Attorney can be elected who will enforce it. That has been shown in the case of the legislation to prohibit or regulate the sale of intoxicating liquors

in Suffolk County. Those laws have been always unpopular and since the change in the mode of appointment of District Attorneys and Sheriffs have not been enforced until they were modified to meet the popular objections. This difficulty applies also to the enforcing of laws for the employment of children in factories. The Legislature undertook to meet this difficulty by creating officials, called State Constables, to be appointed by the Governor and to enforce the liquor laws and the laws regulating child labor. But that did not wholly cure the evil. The officials appointed solely to enforce a law against which there are strong objections in any quarter are always themselves unpopular. The Sheriffs have been from the beginning officials of great dignity, commanding popular respect and confidence. So if it were difficult to enforce the law the character of the Sheriff was a great force on its side. But in the case of these particular laws persons of less dignity and authority, often quite obscure when they are appointed, whose whole duty is odious to the persons to be affected by it, instead of giving dignity to the law tend to make it unpopular by their attempts to enforce it. Indeed in my opinion the Massachusetts Constitution of 1780 was as nearly a perfect system of government as was ever devised. Some changes in it were made necessary by the separation of Maine. I suppose the abrogation of the provision that every man should pay a tax for the support of public worship somewhere was demanded by a public sentiment it would have been impossible to resist, and undoubtedly the aggregation of population in the large cities and towns required a change in the system of representation. But I think the old method of electing Senators, where it was necessary that a man should have a reputation through an entire county to be chosen, to be better than the system of electing them by small single districts, and I think the slight property qualification was highly useful as a stimulant to saving and economy.

It is, however, a great pity that the labors of this Constitutional Convention were wasted. It was a very able body of men. With the exception of the Convention that framed the Constitution in the beginning, and the Convention which revised it in 1820, after the separation from Maine, I doubt whether so able a body of men ever assembled in the Commonwealth of Massachusetts, or, with very few exceptions indeed, in the entire country. The debates, which are preserved in three thick and almost forgotten volumes, are full of instructive and admirable essays on the theory of constitutional government. Among the members were Rufus Choate, Charles Sumner, Henry Wilson, George N. Briggs, Marcus Morton, Marcus Morton, Jr., Henry L. Dawes, Charles Allen, George S. Hillard, Richard H. Dana, George S. Boutwell, Otis P. Lord, Peleg Sprague, Simon Greenleaf, and Sidney Bartlett.

There were a good many interesting incidents not, I believe, recorded in the report of the debates, which are worth preserving.

One was a spirited reply made by George S. Hillard to Benjamin F. Butler, who had bitterly attacked Chief Justice Shaw, then an object of profound reverence to nearly the whole people of the Commonwealth. Butler spoke of his harsh and rough manner of dealing with counsel. To which Hillard replied, pointing at Butler: "While we have jackals and hyenas at the bar, we want the old lion upon the bench, with one blow of his huge paw to bring their scalps over their eyes."

Hillard was an accomplished and eloquent man, "of whom," Mr. Webster said in the Senate of the United States, "the best hopes are to be entertained." But he lacked vigor and courage to assert his own opinions against the social influences of Boston, which were brought to bear with great severity on the anti-slavery leaders.

Hillard was not so fortunate in another encounter. He undertook to attack Richard H. Dana, and to reproach him for voting for a scheme of representation which somewhat diminished the enormous political power of Boston. She elected all her representatives on one ballot, and had a power altogether disproportionate to that of the country. He said, speaking of Dana: "He should remember that the bread he and I both eat comes from the business men of Boston. He ought not, like an ungrateful child, to strike at the hand that feeds him." Dana replied with great indignation, ending with the sentence: "The hand that feeds me—the hand that feeds me, sir? No hand feeds me that has a right to control my opinions!"

A *bon mot* of Henry Wilson is also worth putting on record. Somebody, who was speaking of the importance of the Massachusetts town meeting, said that it was not merely a place for town government alone, but that it was a place where the people of the town met from scattered and sometimes secluded dwelling-places to cultivate each other's acquaintance, to talk over the news of the day and all matters of public interest; and that it was a sort of farmers' exchange, where they could compare notes on the state of agriculture, and even sometimes swap oxen. Governor Briggs, who had been beaten as a candidate for reelection by the Coalition, replied to this speech and said, referring to the Coalition, "that the gentlemen on the other side seemed to have carried their trading and swapping of oxen into politics, and into the high offices of the state." To which Henry Wilson answered, referring to Briggs's own loss of his office, "that so long as the people were satisfied with the trade, it did not become the oxen to complain."

Undoubtedly the ablest member of the Convention was Charles Allen. He spoke seldom and briefly, but always with great authority and power. Late in the proceedings of the Convention a rule was established limiting the speakers to thirty minutes each. Hillard, who was one of the delegates from Boston, made a very carefully prepared speech on some pending question. Allen closed the debate, making no reference whatever to Hillard's elaborate and most eloquent argument, until he was about to sit down, when he said: "Mr. President, I believe my time is up?" The President answered: "The gentleman from Worcester has two minutes more." "Two minutes!" exclaimed Allen. "Time enough to answer the gentleman from Boston." And he proceeded in that brief period to deal a few strokes with his keen scimitar, which effectually demolished Hillard's elaborate structure.

There is nothing in the political excitements of recent years which approaches in intensity that of the period from 1848 until the breaking out of the War. The people of Massachusetts felt the most profound interest in the great conflict between slavery and freedom for the possession of the vast territory between the Mississippi and the Pacific. But almost every man in Massachusetts felt the Fugitive Slave Law as a personal dishonor. I think no great public calamity, not the death of Webster, not the death of Sumner, not the loss of great battles during the War, brought such a sense of gloom over the whole State as the surrender of Anthony Burns and of Sims. Worcester, where I dwelt, was the centre and stronghold of the anti-slavery feeling in Massachusetts. This odious statute was, perhaps, the greatest single cause of the union of the people of the North in opposition to the further encroachments of slavery. Yet but two slaves were taken back into slavery from Massachusetts by reason of its provisions. I will not undertake to tell the story of those years which will form an important chapter in the history of the country. But I had a special knowledge of two occurrences which are alluded to by Colonel Higginson in his charming essay entitled, "Cheerful Yesterdays," in regard to which that most delightful writer and admirable gentleman has fallen into some slight errors of recollection.

The first person seized under the Fugitive Slave Law was a slave named Shadrach. He was brought to trial before George T. Curtis, United States Commissioner. One of the chief complaints against the Fugitive Slave Law was that it did not give the man claimed as a slave, where his liberty and that of his posterity were at stake, the right to a jury trial which the Constitution secured in all cases of property involving more than twenty dollars, or in all cases where he was charged with the slightest crime or offence. Further, the Commissioner was to receive twice as much if the man were surrendered into slavery as if he were discharged. Horace Mann, in one of his speeches, commented on this feature of the law with terrible severity. He also pointed out that the Commissioner was not a judicial officer with an independent tenure, but only the creature of the courts and removable at any time. He also dwelt upon what he conceived to be the unfair dealing of the Commissioners who had presided at the trial of the three slaves who had been tried in Massachusetts, and added: "Pilate, fellow-citizens, was at least a Judge, though he acted like a Commissioner."

Elizur Wright, a well-known Abolitionist, editor of the *Chronotype*, was indicted in the United States Court for aiding in the rescue of Shadrach. While the hearing before Geo. T. Curtis on the proceedings for the rendition of Shadrach was going on, a large number of men, chiefly negroes, made their way into the court-room by one door, swept through, taking the fugitive along with them, and out at the other, leaving the indignant Commissioner to telegraph to Mr. Webster in Washington that he thought it was a case of levying war. I went into the court-room during the trial of Mr. Wright, and saw seated in the front row of the jury, wearing a face of intense gravity, my old friend Francis Bigelow, always spoken of in Concord as "Mr. Bigelow, the blacksmith." He was a Free Soiler and his wife a Garrison Abolitionist. His house was a station on the underground railroad where fugitive slaves were harbored on their way to Canada. Shadrach had been put into a buggy and driven out as far as Concord, and kept over night by Bigelow at his house, and sent on his way toward the North Star the next morning. Richard H. Dana, who was counsel for Elizur Wright, asked Judge Hoar what sort of man Bigelow was. To which the Judge replied: "He is a thoroughly honest man, and will decide the case according to the law and the evidence as he believes them to be. But I think it will take a good deal of evidence to convince him that one man owns another."

It is not, perhaps, pertinent to my personal recollections but it may be worth while to tell my readers that Theodore Parker, Wendell Phillips, and some others were indicted afterward for participation in an intended rescue of Anthony Burns, another fugitive slave. The indictment was quashed by Judge Curtis, who had probably got pretty sick of the whole thing. But Parker, while in jail awaiting trial, prepared a defence, which is printed, and which is one of the most marvellous examples of scathing and burning denunciation to be found in all literature. I commend it to young men as worth their study.

Some time after the Shadrach case, Asa O. Butman, a United States Deputy Marshal, who had been quite active and odious in the arrest and extradition of Burns, came to Worcester one Saturday afternoon, and stopped at the American Temperance House. This was October 30, 1854. It was believed that he was in search of information about some fugitive negroes who were supposed to be in Worcester, and I suppose that to be the fact, although it was claimed that his errand was to summon

witnesses against persons concerned in the riot which took place when Burns was captured. The fact of his presence became known in the course of the day on Sunday, and a pretty angry crowd began to gather in the streets in the neighborhood of the American House. Butman learned his danger, and took refuge in the City Marshal's office in the City Hall, where the police force of the city were gathered for his protection. No attack was made during the night, but it was not deemed prudent to have Butman leave his shelter. I had been to Concord to spend Sunday with my kindred there. I got to Worcester at nine o'clock Monday morning, and was told at the station of the condition of things. I went immediately to the City Hall, made my way through the crowd to the building, and was admitted to the police office by the City Marshal, who was my client, and apt to depend on me for legal advice. I found Butman in a state of great terror. It was evident that the crowd was too large for any police force which the little city had in its service. Unless it should be pacified, something was likely to happen which we should all have much regretted. I accordingly went out and addressed the crowd from the steps of the City Hall. They listened to me respectfully enough. I was pretty well known through the city as an earnest Free Soiler, and as sharing the public feeling of indignation against the delivering up of fugitives. I reminded the crowd that my father and sister had been expelled from Charleston, S. C., where he had gone at the risk of his life to defend Massachusetts colored sailors who were imprisoned there, and appealed to them not to give the people of South Carolina the right to excuse their own conduct by citing the example of Massachusetts. There were shouts from the crowd: "Will he promise to leave Worcester and never come back?" Butman, who was inside, terribly frightened, said he would promise never to come to Worcester again as long as he lived. I did not, however, repeat Butman's promise to the crowd. I thought he ought to go without conditions. The time approached for the train to pass through Worcester for Boston. It went from a little wooden station near the site of the present Union Depot, about half a mile from the City Hall. It was determined, on consultation, to take advantage of an apparently pacific mood of the crowd, and to start Butman at once for the station in time to catch the train. I took one arm and I am quite sure Colonel Higginson took the other; a few policemen went ahead and a few behind; and we started from the back door of the City Hall. The mob soon found what we were after and thronged around us. It has been estimated that a crowd of two thousand people at least surrounded Butman and his convoy. I suppose he had no friend or defender among the number. Most of them wanted to frighten him; some of them to injure him, though not to kill him. There were a few angry negroes, I suppose, excited and maddened by their not unnatural or unjustifiable resentment against the fellow who had been the ready and notorious tool of the slave-catchers, who would have killed him if they could. He was kicked several times by persons who succeeded in the swaying and surging of the crowd, in getting through his guard, and once knocked onto his knees by a heavy blow in the back of the neck which came from a powerful negro, who had a stone in his hand which increased the force of the blow. I believe he was hit also by some missiles. He reached the depot almost lifeless with terror. The train was standing there, and started just after we arrived. It was impossible to get him into it. It was then endeavored to put him into a buggy which was standing outside of the depot, but the owner, a young business man of Worcester, seized the bridle of his horse and stoutly refused to allow the horse to start. Butman was then thrust into a hack, into which one or two other persons also got, and the hack was driven rapidly through the crowd with no damage but the breaking of the windows. Mr. Higginson thought Butman was left at Westboro'; but my recollection, which is very distinct, and with which I think he now agrees, is that Lovell Baker, the City Marshal, followed with his own horse and buggy, and took Butman from the hack after he got a short distance out of Worcester. Butman implored him not to leave him at the way-station, fearing that the crowd would come down in an accommodation train, which went also about that time, and waylay him there. So Baker drove him the whole distance to Boston, forty miles. When Butman got to the city, he was afraid that the news of the Worcester riot might have reached Boston, and have excited the people there; and, by his earnest solicitation, Baker took Butman by unfrequented streets across the city to a place where he thought he could be concealed until the excitement abated. Baker, who died a short time ago in Worcester, aged over ninety, told me the whole story immediately on his return.

The proceeding undoubtedly was not to be justified; but it was a satisfaction to know that no slave-hunter came to Worcester after that occurrence. Five or six people—including, if I am not mistaken, Mr. Higginson himself, certainly including Joseph A. Howland, a well-known Abolitionist and non-resistant, and also including Martin Stowell, who was afterward indicted for killing Batchelder, a Marshal who took part in the rendition of Burns—were complained of before the police court, and bound over to await the action of the grand jury. The grand jury returned no indictment, except against one colored man. Mr. District Attorney Aldrich was quite disgusted at this, and promptly *not prossed* that indictment. And so ended the famous Butman riot.

The Whigs were in a minority in Massachusetts after the year 1848. But the constitution required a majority of all the votes to elect a Governor; and, in the case of no choice, the Governor, the Lieutenant Governor, the Executive Council, and the Senators from counties where there had been no election were chosen on joint ballot by the members elected to the two Houses. The Whigs were able to carry the Legislature, and in that way chose their Governor and Lieutenant Governor, elected Councillors,

and filled vacancies in the Senate. But the Free Soil and Democratic leaders were not content to leave the power in the hands of the Whig minority. In 1849 a few Representatives and Senators were chosen to the Legislature by a union of the Free Soil and Democratic Parties. In the autumn of 1850 this arrangement was extended through the State. The Whigs were in a minority in the Legislature, and the coalition proceeded to elect a Democratic Governor and Lieutenant Governor and an Executive Council. In consideration of giving these offices to the Democrats, it was agreed that Mr. Sumner should be chosen Senator. A few of the Democrats, who desired to keep their party relations with the South, refused to agree to this arrangement. Mr. Winthrop was the Whig candidate. The Senate, on its part, promptly elected Mr. Sumner, but there was a long contest in the House of Representatives, extending through three months. Twenty-six ballots were cast, of which no candidate had a majority until the last. Mr. Sumner several times came within two or three votes of an election. At last it was apparent that some member had cast more than one vote; and an order was offered by Sidney Bartlett, an eminent Whig member from Boston, requiring the members to bring in their votes in sealed envelopes. This resulted in the choice of Sumner.

Another contribution to Mr. Sumner's election ought not to be forgotten. The town of Fall River was represented by Whigs; but it was a community where there was a strong anti-slavery feeling. A town-meeting was called by the friends of Mr. Sumner, and a motion made to instruct their representatives, according to the right of the people declared in the constitution of Massachusetts, to vote for Sumner. An earnest and eloquent speech in favor of the resolution was made by Robert T. Davis, a young Quaker, since a distinguished member of Congress. The resolution was carried, which Mr. Borden, one of the Representatives from Fall River, obeyed. The result was Sumner's election by a single vote.

As stated in the preceding chapter, I was a member in 1852 of the Massachusetts House of Representatives, then consisting of about four hundred and twenty members. It was, I think, as admirable a body of men for the training of a public speaker as I ever knew. The members were honest. The large majority was made up of sensible, strong-headed country farmers, rather slow in making up their minds, but making them up always on considerations of what was best for the Commonwealth. There was a time, when the opinion of the House seemed to be precipitating or crystallizing, not too early in the debate and not too late, when a vigorous and effective speech had great influence. I was made Chairman of the Committee of Probate and Chancery, the second law committee in the House; and I suppose it is not presumptuous to say that I did as much of the hard work of the body and had as much influence in leading its action and shaping its legislation as anybody.

In the year 1856 I was, with Eli Thayer, sent from Worcester as a delegate to a Convention held at Buffalo to concert measures to help the settlers from the Free States in their contest with slave owners led by Atchison and Stringfellow, of Missouri, for the possession of Kansas. Atchison had been President pro tempore of the Senate of the United States. The slave holders had organized a formidable body of men to drive out the Free State settlers from the Territories, which had just been opened after the repeal of the Missouri Compromise. We met at Buffalo some gentlemen, among whom was Zachariah Chandler, of Michigan, then in the vigor of early manhood. We made arrangements for getting large contributions of money and arms with which the Northern emigrants were equipped, and which undoubtedly enabled them to maintain successfully their resistance and establish their free State.

CHAPTER XI THE KNOW NOTHING PARTY AND ITS OVERTHROW

The political history of Massachusetts from 1846 to 1865 is, in general, the history of the share of the Commonwealth in the great National contest with Slavery; the beginning and growth of the Free Soil or Republican Party and the putting down of the Rebellion. The rise and dominion for three years, and the final overthrow of the Know Nothing Party is an episode which should not be wholly omitted, although it is an episode which might be omitted without injury to the sense.

There have been, ever since the Irish immigration which begun somewhere about 1840 down to today, a great many worthy people who have been afraid of the Pope and the influence of Catholicism in this country, and have been exceedingly jealous of the influence of foreigners, especially of those of the Roman Catholic Church. Self-seeking political adventurers and demagogues have not been slow to take advantage of this feeling for their own purposes. They have, for some reason, always preferred to make their political movement in secret societies. The Catholic vote had generally been cast for the Democrats, and was supposed to be largely influenced by the Catholic clergy. It was thought that this influence had a good deal to do with defeating Mr. Clay in 1844. A movement of this kind swept over the country after the Presidential election of 1852. It had nearly spent its force by 1856. It made little headway at the South, except in two or three States. There was a struggle with it in Virginia, where it was defeated by the superhuman energy of Henry A. Wise. The party organized for the purpose of excluding men of foreign birth from any share in the Government, sometimes called the American

Party, was generally called the Know-Nothing Party, a name which came from the answer each member was expected to make to any inquiry from an outsider, "I know nothing about it."

This party swept Massachusetts in the autumn of 1854. It elected in that year Governor, Lieutenant Governor, all the officers of the State Government, every member of both Houses of the Legislature, except two from the town of Northampton, and every member of Congress. Its candidate for Governor was Henry J. Gardner, a very skilful political organizer. He had a book in which he had the names of men in every town in the Commonwealth whom he attached to his personal fortunes by promises, or flattery, or because in some cases of their sincere belief in the doctrine. He understood better than any other man I ever knew the value of getting the united support of men who were without special influence, even the man who were odious or ridiculous among their own neighbors, but who united might be a very formidable force. He organized with great skill and success the knave-power and the donkey- power of the Commonwealth.

But a good many Anti-Slavery men who thought the party feeling of the Whigs and Democrats was a great obstacle to their cause, joined the movement simply in order that they might get rid of the old parties, and prepare the State as with a subsoil plow for a new one. They had no belief in the proscriptive doctrines, and were willing that men of foreign birth and Catholics should have their just rights, and expected to destroy the Know Nothing Party in its turn when it had destroyed Whiggery and Democracy. Of these was Henry Wilson, who owed his first election to the Senate to the Know Nothing Legislature; and Eli Thayer, who had been the organizer of the Emigrant Aid Society, and the movement for the deliverance of Kansas and Nebraska. Both these gentlemen abandoned the Know Nothing Party the year after its formation. Mr. Thayer was elected as a Republican to Congress in 1856, and reelected in 1858. But he separated from his political associates and espoused the squatter sovereignty doctrines of Stephen A. Douglas. He, I have no doubt, was a sincere Anti-Slavery man. But he liked to do things in peculiar and original ways of his own, and was impatient of slow and old-fashioned methods. So he got estranged from his Republican brethren, was defeated as a candidate for Congress in 1860, took no part in public activities during the time of the war, became somewhat soured, and landed in the Democratic Party. I always had a great liking for him, and deem him entitled to great public gratitude for his services in the rescue of Kansas from what was known as Border Ruffianism.

Neither Charles Sumner nor Charles Allen ever tolerated the Know Nothing movement or made any terms with it. Its proscriptiveness and its secrecy were alike repugnant to their honest, brave and liberty-loving souls. Sumner was advised, as the question of his reelection was coming on in January, 1857, to keep silent about Know Nothingism. He was told that the Slavery question was enough for one man to deal with, and that if he would only hold his peace all the parties would unite in his reelection. He answered the advice with his brave challenge. He went about the Commonwealth, denouncing the intolerant and proscriptive doctrine of the Know Nothings. He told them: "You have no real principle on which you can stand. You are nothing but a party of Gardnerites."

Charles Allen addressed a little company, of which I was one, in the City Hall at Worcester in the autumn of 1854, when Know Nothingism was in the height of its strength. He said:

"Perhaps I am speaking too boldly, but I learned to speak boldly a long time ago. I will speak my sentiments in the face of any organization; or, if it does not show its face, though its secret mines are beneath my feet, and unseen hands ready to apply the match, I will declare those sentiments that a freeman is bound to utter."

The people of Massachusetts elected Gardner Governor in 1854, 1855 and 1856. But in the autumn of 1857 he was beaten under the leadership of General Banks. The party lingered until 1856 when there was an attempt to keep it alive in the Presidential campaign of that year when Millard Fillmore was its candidate for the Presidency.

But it was destroyed in the consuming fire kindled by the Civil War, and has not since been heard of by its old name.

The proscriptive and intolerant opposition to Catholicism, especially against men of foreign birth, has shown its head occasionally. It appeared in its most formidable shape in a secret organization known as the A. P. A., of which I shall speak later. It is utterly uncongenial to the spirit of true Americanism, and will never have any considerable permanent strength.

CHAPTER XII ELECTION TO CONGRESS

In the year 1868 one chapter of my life ended and a very different one began. In the beginning of that year I had no doubt that what remained of my life would be devoted to my profession, and to

discharging as well as I could the duties of good citizenship in the community to which I was so strongly attached. But it was ordered otherwise. My life in Worcester came to an end, and I shall if I live to complete my present term in the Senate have spent thirty-eight years in the National service.

This came from no ambition of mine. In May, 1868, I sailed for Europe, broken down in health by hard work. During my absence, some of the leading Republicans of the District issued an appeal recommending me as a candidate for Congress. There were five or six other candidates. They were all of them men of great popularity, with hosts of friends and supporters. Among them was John D. Baldwin, then holding the seat, a veteran in the Anti-Slavery Service, editor of the Worcester *Spy*, one of the most influential papers in New England. It had been the almost unvarying custom of the people of Massachusetts to reelect an old member who had served as faithfully as Mr. Baldwin. Another candidate was Francis W. Bird, one of the founders of the Anti-Slavery Party, and a man who had been a powerful supporter by speech and pen and wise counsel and large influence of the Republican Party since its foundation. He was supported by the powerful influence of Charles Sumner, then at the height of his popularity, and by Adin Thayer, the ablest political organizer in Massachusetts. Another candidate was Amasa Walker, the eminent writer on political economy, whose name has since been rendered still more illustrious by the brilliant public service of his son. Another was Mr. Mayhew, a successful manufacturer, of large wealth, and a deserved favorite in Milford, the second town in the District, where he resided. Another still was Lucius W. Pond, a generous and warm-hearted man, although he afterward fell from his high place. He was a Methodist. That denomination had always been strong and influential in the Worcester District, and its members have always stood staunchly by the men of their own household when candidates for political office. Mr. Pond was also a member of the Masonic Order and of other secret associations. I ought however to say, in justice to the Masonic Fraternity, that I have never been able to see that there was any truth whatever in the charge that the members of that Order deemed it their duty to support each other in politics, or when on juries. Many a client has told me with great alarm that his opponent was a Mason, and that one or more leading Masons were on the jury that were to try the case. I always refused to challenge a jurymen on that account, and I never found that the man's being a Mason had the least effect in preventing him from rendering a just verdict. I have many intimate friends both political and personal in that Order, although I never belonged to it and never sympathized with or approved of secret societies in a Republic.

My strength was due to the fact that I had in general the good will of my competitors. So if any one failed to get a majority it was easy to transfer his strength to me. Perhaps also there was a feeling, growing out of the fact that I had had great experience in public speaking at the Bar and in political meetings, that I might be able to take a prominent part in the debates in the House, a faculty which all my competitors lacked, except Mr. Bird. But chiefly I had the advantage of the good will of my associates in my own profession, a body whose influence is always justly very powerful and who were all, with scarcely an exception, my close and strong friends. I had, beside all that, a great many clients in every town in the District who had been in the habit of trusting me with their most intimate and secret concerns, and with whom I had formed the attachment which in those days used to exist between counsel and client.

I had said before I went to Europe that if nominated I would accept the office. I thought it doubtful whether my strength would permit me to continue my professional work without interruption. I had not thought of remaining in Congress, if I were elected, more than one term, or perhaps two. Indeed I did not contemplate the probability of a nomination as a very serious one.

But almost before I got out of the sight of land the burden lifted and my health came back. When I got home I was utterly sick of the whole business. But my friends had been committed to my support. They claimed that I could not withdraw honorably after the assurance I had given them before I went away. So, rather to my disgust, I was nominated on the first formal ballot. I had not expected the result. I had gone to take a ride while the Convention was in session. So they were obliged to wait for me. I was found with some difficulty and went in and made a brief speech which I ended by saying: "If I shall fail to satisfy you, the trust you have so freely conferred you can as freely recall. If I shall fail to satisfy myself, I shall at least have the comfort of reflecting that it is by your free choice that this nomination has been conferred. It has not been begged for, or bargained for, or intrigued for, or crawled into. If elected I shall at the close of the term lay down the honors of the office with the same cheerfulness with which I now accept the nomination."

I expected to go back to my home and my profession at the end of one term. My law practice was rapidly increasing. Professional charges in those days were exceedingly moderate as compared with the scale of prices now, and I had inherited the habit of charging low fees from my partner and friend, Emory Washburn. If I had the same class of clients now that I had then, I could at the present scale of charges for professional service easily be earning more than fifty thousand dollars a year, and I could earn it without going to my office in the evening, and also take a good vacation every summer.

My life from that time has been devoted altogether to the public service. I have, what is commonly expected of men who represent Massachusetts in the Senate, delivered a good many literary and historical addresses, and have taken part in political campaigns, and have occasionally eked out a scanty salary by some professional work in the vacations. But I think I may fairly claim that I have done my share of the work of the Senate and of the House to the best of my ability. Senator Edmunds when he left the Senate was kind enough to compliment me by saying that the whole work of the Senate was done by six men, of whom I was one. I do not suppose Mr. Edmunds meant the number six to be taken literally. But he is a gentleman certainly never given to flattery or empty compliment. So I think I might call him as a witness that, in his time, so far as hard work is concerned I did my best. I am not quite so confident that he would testify to the wisdom of my course on all occasions.

I did not, as I have said, expect when I entered to remain in public life more than one term. But I became interested in the bill known as the National Education Bill, and accepted another election with a view to doing what I could to carry that through. At the end of the next term I announced my purpose to withdraw. But there was a very earnest letter to me signed by the principal men in the district, including several gentlemen, any one of whom might very naturally have expected to be my successor, saying it was not for the interest of the people of the district to make a change.

Two years after I made a formal and peremptory refusal to be a candidate again, which was encountered by a like appeal. It was the year of what was called the Tidal Wave which swept the Republicans from power in the House of Representatives. It was very doubtful whether they could carry the Worcester District. The Democrats elected a majority of the Massachusetts delegation in the National House of Representatives. I was elected by a few hundred only, although I was elected by several thousand on former occasions. I could not very well refuse to accept the nomination at a time of great political peril. So I continued once more. At the end of that time I wrote another peremptory refusal, and my successor was nominated and elected.

I have been often charged with a blind and zealous attachment to party. The charge is sometimes made by persons who consider that I desire to do right, but think that my understanding and intellectual faculties are guided and blinded by that emotion. Others are not so charitable. One very self-satisfied critic, Mr. William Lloyd Garrison, sometimes in prose and sometimes,

A screechin' out prosaic verse
An' like to bust,

says that I differ from my honorable colleague, Mr. Lodge, in that Mr. Lodge has no conscience, while I have a conscience but never obey it. If any man be disposed to accept these estimates, it is not likely that I can convince him to the contrary by my own certificate. But I will say two things:

1. I have never in my life cast a vote or done an act in legislation that I did not at the time believe to be right, and that I am not now willing to avow and to defend and debate with any champion, of sufficient importance, who desires to attack it at any time and in any presence.

2. Whether I am right or wrong in my opinion as to the duty of acting with and adherence to party, it is the result not of emotion or attachment or excitement, but of as cool, calculating, sober and deliberate reflection as I am able to give to any question of conduct or duty. Many of the things I have done in this world which have been approved by other men, or have tended to give me any place in the respect of my countrymen, have been done in opposition, at the time, to the party to which I belonged. But I have made that opposition without leaving the party. In every single instance, unless the question of the Philippine Islands shall prove an exception, and that is not a settled question yet, the party has come round, in the end, to my way of thinking. I have been able by adhering to the Republican Party to accomplish, in my humble judgment, ten-fold the good that has been accomplished by men who have ten times more ability and capacity for such service, who have left the party.

When Governor Boutwell, the President of the Anti-Imperialist League, wrote me that he thought I could do more good for that cause by staying in the Republican Party than by leaving it, and when he declared in a public interview in Boston that of course Mr. Hoar would remain in the Republican Party, he was right. If he had taken the same course himself, he would have been a powerful help in saving his country from what has happened. If the gentlemen who acted with him in that way had remained Republicans, and the gentlemen who agreed with him, who have remained Republicans, who abandoned public life, had kept in it, they would have saved the country from what they and I deemed a grievous mistake and calamity. There was but one vote lacking for the defeat of the Spanish Treaty. There was but one vote lacking for the passage of the Teller resolution. If Mr. Speaker Reed, the most powerful Republican in the country, next to President McKinley, had stayed in the House; if Mr. Harrison, as I earnestly desired, had come back to the Senate; if Governor Boutwell and Mr. Adams had uttered their counsel as Republicans, the Republicans would have done with the Philippine Islands what we did with Cuba and Japan. I could cite a hundred illustrations, were they needed, to prove what

I say to be true. There was undoubtedly great corruption and mal-administration in the country in the time of President Grant. Selfish men and ambitious men got the ear of that simple and confiding President. They studied Grant, some of them, as the shoemaker measures the foot of his customer. Mr. Sumner and Mr. Schurz and Mr. Trumbull and Mr. Greeley and the *New York Tribune*, and the *Springfield Republican*, and the *Chicago Tribune*, and the *St. Louis Republican*, and scores of other men and other papers left the party. They were, so long as they maintained that attitude, absolutely without political influence from that moment. When the great reforms which were attempted were accomplished, they were not there. The reforms were accomplished. But their names were wanting from the honorable roll of the men who accomplished them. President Grant himself and President Hayes and Judge Hoar and Mr. Cox and General Garfield, and others, if there are other names honorable enough to be mentioned along with these, stayed in the Republican Party. They purified the administration. They accomplished civil service reform. They helped to achieve the independence of American manufacture. They kept the faith. They paid the debt. They resumed specie payment. They maintained a sound currency, amid great temptation and against great odds. To this result our friends who were independent of party contributed no jot or tittle.

Our system differs from that which prevails in England in that it is hard to change the political power from one party to another and hard to restore it when it is once lost. We elect our President for four years. We elect our Senators for six years. Therefore in determining whether it is your duty to forsake a party which is wrong on some single question you are to decide, first, whether that question is important enough to warrant sacrificing every other measure in which you agree with your party, and having every measure espoused by the other which you think bad enacted if it get control. Second, you have not only in such cases to sacrifice every other thing you think desirable to prevent the one thing you think undesirable, but you must decide whether, in regard to that particular matter, the party you are asked to substitute in power for your own will accomplish what you desire if it get power. For example, there are some worthy Republicans who are free-traders. But they agree with the Republican Party in everything else. If you ask them to put a Democratic President and Congress into power in order to get free trade they must consider whether if they get power they will give them free trade. Otherwise they sacrifice everything else for that chance and get no benefit in that respect. The Republican free-trader who voted for Mr. Cleveland in 1892 did not get free trade. He got only what Mr. Cleveland denounced as a measure of infamy. In the third place you have under our Constitutional system to determine whether the chance to accomplish what you want in regard to one measure warrants placing the political power in hands you deem unfit, so that the party, in your judgment right on one thing, but wrong in every other, will have the fate of the country in its hands for a four years' term, and deal with every new and unexpected question as it shall think fit. I was bitterly reproached for supporting Mr. McKinley, and refusing to support Mr. Bryan, when I differed from Mr. McKinley on the great predominant question how we should deal with the people of the Philippine Islands. But the men who criticised me most bitterly were some of them the men who applauded my purpose to do so when it was first declared. One of them, the President of the Anti-Imperialist League, wrote me a letter saying that I could be more useful to that cause by remaining a Republican than in any other way, and declared in a public interview that of course Mr. Hoar would remain a Republican. The Secretary of the same organization, after I had made a speech in which I had declared my purpose to continue to support Mr. McKinley, in spite of his grievous error in this respect, wrote me a letter crowded with the most fulsome adulation, and declared that my position was as lofty as that of Chatham or Burke. I could cite many other instances to the same effect. But what other men think, however respectable they may be, is of course of no importance. Every man must settle for himself the question of his individual duty. I could not find that the chance that Mr. Bryan, who had urged the adoption of the Spanish Treaty and had committed himself to the opinion that it was right to do everything we promised to do in that Treaty, would act wisely or righteously if he were trusted with power, or that he could get his party to support him if he were disposed to do so, warranted my running the risk of the mischief he was pledged to accomplish; still less running the risk of giving the government of this country to his supporters for the next four years. There are many good men in the Democratic Party. But the strength of that organization in 1900, as it is to-day, was in Tammany Hall, in the old Southern leaders committed to a policy of violence and fraud in dealing with ten million of our American citizens at home, aided by a few impracticable dreamers who were even less fitted than the Democratic leaders to be trusted with political power.

The Republican Party, whatever its faults, since it came into power in 1860 has been composed in general of what is best in our national life. States like Massachusetts and Vermont, the men of the rural districts in New York, the survivors and children of the men who put down the Rebellion and abolished slavery, saved the Union, and paid the debt and kept the faith, and achieved the manufacturing independence of the country, and passed the homestead laws, are on that side, and in general they give and will hereafter give direction to its counsels. On the other hand their antagonist has been, is, and for an indefinite time to come will be, controlled by the foreign population and the criminal classes of our great cities, by Tammany Hall, and by the leaders of the solid South.

I entered the House of Representatives of the United States at the spring session which began March 4, 1869, at the beginning of Grant's Administration. It then contained a very interesting and important group of men, the most brilliant and conspicuous of whom was, undoubtedly, Mr. James G. Blaine. The public, friends and foes, judged of him by a few striking and picturesque qualities. There has probably never been a man in our history upon whom so few people looked with indifference. He was born to be loved or hated. Nobody occupied a middle ground as to him. In addition to the striking qualities which caught the public eye, he was a man of profound knowledge of our political history, of a sure literary taste, and of great capacity as an orator. He studied and worked out for himself very abstruse questions, on which he formed his own opinions, usually with great sagacity. How far he was affected in his position by the desire for public favor I will not undertake to say. I think the constitution of his mind was such that matters were apt to strike him in much the same way as they were apt to strike the majority of the people of the North, especially of the Northwest, where he was always exceedingly popular. He maintained very friendly personal relations with some of the more intelligent Southerners, especially with Lamar. One incident in his relations with Butler was intensely amusing. They were never on very friendly terms, though each of them found it wise not to break with the other. When Blaine was a candidate for Speaker, to which office he was chosen in the spring session of 1869, his principal competitor was Henry L. Dawes. Dawes's chances were considered excellent until Butler, who had great influence with the Southern Republican members of the House, declared himself for Blaine. Butler was exceedingly anxious to be Chairman of the Committee of Appropriations. This would have been an offence in the nostrils of a large portion of the Republican Party. Mr. Dawes, learning Butler's proposed defection, was beforehand with him by rising in the caucus and himself nominating Mr. Blaine. This secured Blaine's unanimous nomination. Butler, however, still pressed eagerly his own claim for the Chairmanship of the Appropriations. Blaine was altogether too shrewd to yield to that. The committees were not appointed until the following December. Butler suspected somehow that there was doubt about his getting the coveted prize. He accordingly went to the door of the Speaker's room, which was then opposite the door of the House of Representatives, by the side of the Speaker's chair. He found Blaine's messenger keeping the door, who told him that Mr. Blaine was engaged and could not see anybody. "Very well," said General Butler, "I will wait." Accordingly, he took a chair and seated himself at the door, so that he might intercept Blaine as he came out. Blaine, learning that Butler was there, went out the window, round by the portico, and entered the House by another entrance. Somebody came along and, seeing Butler seated in the corridor, said: "What are you about here, General?" "Waiting for Blaine," was the reply. "Blaine is in the chair in the House," was the answer. "It isn't possible," said Butler. "Yes, he is just announcing the committees." Butler rushed into the House in time to hear Mr. Dawes's name read by the Clerk as the Chairman of Appropriations. He was very angry, and bided his time. They had an altercation over the bill to protect the rights of the freedmen in the South, the story of which I tell in speaking of Grant. But as the end of the Congress approached, Butler endeavored to get up an alliance between the Democrats and what were called the "Revenue Reformers." There was a large number of Northwestern Republicans who were disposed to break away from the party because of its policy of high protection. This included representatives of a good many States that afterward were the most loyal supporters of the tariff policy. Butler showed me one day a call he had prepared, saying: "How do you think something like this would answer?" It was a call for a caucus of all persons who desired a reform in the tariff to meet to nominate a candidate for Speaker. I was never in Butler's confidence, and I suppose he showed me the paper with the expectation that I should tell Blaine. Blaine circumvented the movement by giving assurances to the friends of revenue reform that he would make up a Committee of Ways and Means with a majority of persons of their way of thinking. This ended Butler's movement. Blaine kept his word. Mr. Dawes, a high protectionist, was made Chairman, and Mr. Kelly, also a high protectionist, was second on the Committee of Ways and Means; but a majority were revenue reformers. The committee reported a bill which would have been exceedingly injurious to the protected industries of New England. That bill was pressed and reported to the House from the Committee of the Whole; but the member of the committee who had it in charge, by some strange oversight, forgot to demand the previous question. Mr. Dawes, quick as lightning, took from his desk a bill which he had previously prepared, but which had been voted down by his committee, added to it a clause putting tea and coffee on the free list, and, I believe containing also one or two other items which were specially popular in some parts of the country, and moved that as an amendment to the committee's bill, and himself demanded the previous question. The cry of a free breakfast-table was then specially popular. There were enough members who did not dare to vote against putting tea and coffee on the free list to turn the scale. Dawes's amendment was adopted, the bill passed, the New England industries saved, and the tariff reformers beaten. The persons who saw only the quiet and modest bearing with which Mr. Dawes conducted himself in the Senate do not know with how much vigor, quickness of wit, readiness and skill in debate, he conducted himself amid the stormy sessions of the House of Representatives during Grant's first Administration. There has never been, within my experience, a greater power than his on the floor of the House. He had mighty antagonists. There were not only very able Democrats, like Randall and Kerr and Holman, but there were mighty leaders among the Republicans. There was little party discipline. Each of them

seemed bent on having his own way and taking care of himself, and ready to trip up or overthrow any of his rivals without mercy or remorse. Among them were Butler and Farnsworth and Garfield and Logan and Schenck and Kelly and Banks and Bingham and Sargent and Blaine and Poland.

I was not in the habit of going often to the White House when Grant was President. When I did, he received me always with great kindness. He always seemed to be very fond of my brother; and I suppose that led him to receive me in a more intimate and cordial fashion than he would otherwise have done. I was first introduced to him in the cloak-room of the House of Representatives the Saturday evening before his inauguration. He came, I think, to see Mr. Boutwell, then a member of the House, afterward his Secretary of the Treasury. He came to Worcester in the summer of that year, and I went with him in a special car to Groton in the afternoon. He was not very talkative, though interested in all he saw. He expressed special delight in the appearance of the boys of the Worcester Military School, who turned out to escort him. One of his sons, a well-grown lad, was upon the train. The general had not seen him for some time, and he sat with one arm around him, as one might with a little girl.

It used to be thought that Grant was a man without much literary capacity. Since the publication of his "Memoirs," this notion has been discarded. I can testify to his great readiness as a writer. I saw him write two messages to Congress, both of a good deal of importance, without pause or correction, and as rapidly as his pen could fly over the paper. The first was the message he sent in on the adoption of the Fifteenth Amendment to the Constitution. I was much interested in a bill in aid of national education. I called on the President when the last State needed had ratified the Fifteenth Amendment, and suggested to him that it might be well to send a special message to Congress congratulating them on the result, and urging the policy of promoting education for the new citizens. I told him of General Washington's interest in a national university, and what he had said about the importance of education in his writings. I said I supposed he had them in his library. He said he believed he had, but he wished I would get the books and bring them to him. I accordingly got the books, carried them up to the White House, showed him the passages, and Grant sat down and wrote in a few minutes, and quite rapidly, the message that was sent to Congress the next day. The other occasion was when he sent in the message at the time of the controversy between the House and the Senate in regard to the policy to be pursued in dealing with the outrages in the South. The Senate had passed a bill giving a discretion to the President to take some firm measures to suppress these disorders, and to protect the colored people and the Republicans of the South, and if in his judgment he thought it necessary, to suspend the writ of *habeas corpus*. This measure, which had a considerable majority in the Senate, was voted down in the House under the influence of Speaker Blaine, Mr. Dawes, General Farnsworth, and other prominent Republicans. During the controversy Mr. Blaine left the chair and engaged in the debate, being provoked by some thrust of Butler's. There was a lively passage at arms, in which Blaine said he was obliged to leave the chair, as his predecessor Mr. Colfax had been compelled to do, "to chastise the insolence of the gentleman from Massachusetts." Butler replied by some charge against Blaine, to which Blaine, as he was walking back to take the gavel again, shouted out: "It's a calumny." My sympathies in the matter, so far as the measure of legislation was concerned, were with Butler, though I had, as is well known, little sympathy with him in general.

The House undertook to adjourn the session, but the Senate refused to do so without action on the bill for the protection of human rights at the South. While things were in this condition, I was summoned one morning into the President's room at the Capitol, where I found President Grant, his Cabinet, several of the leading Senators, including Mr. Conkling, I think Mr. Edmunds, Mr. Howe of Wisconsin, and I believe General Wilson, Judge Shellabarger of Ohio, and one or two other members of the House. All the persons who were there were favorable to the proposed legislation, I believe. President Grant said that he had been asked to send in a message urging Congress to pass a law giving him larger powers for the suppression of violence at the South; but he had sent for us to explain the reason why he was unwilling to do it. He thought that the country would look with great disapprobation upon a request to enlarge the powers of the President, and especially to suspend the writ of *habeas corpus* in time of peace, and that he felt especially unwilling to subject himself to that criticism as he had not come to that office from civil life, but had been a soldier, and it might be supposed he favored military methods of government. Several of the gentlemen present expressed rather guardedly their dissent from this view, but Grant seemed to remain firm. I kept silent, as became a person young in public life, until Mr. Howe and Judge Shellabarger whispered together, and then came to me and said: "Mr. Hoar, you may perhaps, be able to have some influence on him. Won't you say something?" I then made a little speech to the President, in which I said that there was no question of the existence of these disorders and crimes; that they would be likely to be increased, and not diminished, especially as the elections in the Southern States approached. He could not allow them to continue. He would be compelled, in my judgment, to interpose and go to the verge of his authority, or to leave to their fate those people whom we were bound by every consideration of honor to protect. I asked him if he did not think it would be better, instead of exercising a doubtful authority of his own, acquired without legislative sanction, to obtain the necessary authority from Congress in advance. I thought it much less

likely to be imputed to him that he was acting in the manner of a soldier and not of a statesman if he were careful to ask in advance the direction of the law-making power, and the people understood he was unwilling, even if he had the authority, to act without the sanction of Congress. This view produced an instant change of mind. Grant took a pen, wrote a brief message with great rapidity, read it aloud to the persons who were assembled, and sent it in that very day without the change of a word. It is a clear and excellent statement. The result was that the Republican opposition to the measure in the House was withdrawn, the two Houses came to an agreement, and adjourned without day soon afterward.

One of the most important acts of President Grant's Administration was his veto of the Inflation Bill, which provided for a considerable increase of the large volume of legal tender paper money, which at that time was not redeemed by the government. This veto is regarded by most persons as the turning of the corner by the American people, and setting the face of the Government toward specie payment and honest money. It was during the hard times that followed the crisis of 1873. It is said that President Grant had made up his mind to sign the bill, and sat down to write out his reasons, but that he found them so unsatisfactory that he changed his mind and sent in his veto message. I had not been disposed to believe this until I was told, a little while ago, by Secretary Boutwell that he had the statement that that was the fact from the lips of Grant himself. If that be true, the President must have changed his mind twice. When the bill was pending in the House of Representatives, my wife's father, a very simple-hearted and excellent merchant of Worcester, who spent seventy years of life in business on the same spot, visited us in Washington. I took him up to see Grant. The General was alone and, contrary to his usual custom, in a very talkative mood. He seemed to like Mr. Miller, who had a huge respect for him, and evidently saw that we were not there for any office-seeking or other personal end. He talked with great freedom about himself and his visit to Worcester. He expressed his wonder that the town had grown and prospered so without any advantage of river or harbor or water power, or the neighborhood of rich mines or rich wheat-fields. He then asked me how the bill for an increased issue of green-backs was coming on in the House. I told him it seemed likely to pass. He then went on to express very earnestly his objection to the measure and to the whole policy, and his dislike of irredeemable paper. He said that it was an immense injury to all classes of the people, but that it bore heavily upon poor and ignorant men. He said that speculators and bankers and brokers could foresee the changes which came about from the fluctuations of paper money and protect themselves from them, but the workingmen and poor men had no such advantages—that they were the greatest sufferers. He added a suggestion I never heard before, that there was in many parts of the country great loss from the counterfeiting of paper money—a loss which fell almost wholly upon poor and ignorant men. I never in my life heard Grant talk so freely on any occasion. I never in my life, but once, saw him apparently so deeply moved. I said: "Mr. President, you know the story of old Judge Grier and the Pennsylvania jury." "No," said he. "Well," said I, "there was once a jury in Pennsylvania, when Grier was holding court, who brought in a very unjust verdict. The judge said: 'Mr. Clerk, record that verdict and enter under it, "Set aside." I will have you to know, Gentlemen of the Jury, that it takes thirteen men in this court to steal a man's farm.' It takes three powers, Mr. President, under our government to pass a law." Grant laughed and said: "Well, if you send it up to me, make it just as bad as you can." There can be no possible question that he then desired and meant to veto the bill. His desire that it might be as bad as possible was that it might be more easy to defend his action.

I had another exceedingly interesting conversation with the President on my return from New Orleans. In the winter of 1875 I went to New Orleans, as Chairman of a Committee of the House of Representatives, to investigate and to ascertain which of the rival State governments had the true title. Louisiana was in a terrible condition. Sheridan was in command of the United States troops there, and it was only their presence that prevented an armed and bloody revolution. The old rebel element, as it was, had committed crimes against the freedmen and the white Republicans which make one of the foulest and bloodiest chapters in all history. Sheridan had much offended the white people there by his vigorous enforcement of laws, and especially by a letter in which he had spoken of them as banditti. I stopped, during my stay in New Orleans, at the St. Charles Hotel, where Sheridan also was a guest. When he came into the crowded breakfast-room every morning, there were loud hisses and groans from nearly the whole assembled company. The morning papers teemed with abusive articles. The guests would take these papers, underscore some specially savage attack, and tell the waiter to take it to General Sheridan as he sat at table at his breakfast. The General would glance at it with an unruffled face, and bow and smile toward the sender of the article. The whole thing made little impression on him. No violence toward him personally was ventured upon. The night before I started on my return to Washington, General Sheridan called to take leave. I was much amused by the simplicity and *naivete* with which he discussed the situation. He said, among other things: "What you want to do, Mr. Hoar, when you get back to Washington, is to suspend the what-do-you-call-it." He meant, of course, the *habeas corpus*. He knew there was some very uncomfortable thing which stood in his way of promptly suppressing the crimes in Louisiana, where he said more men had been murdered for their political opinions than were slain in the Mexican War. When I got back to Washington, the President sent for me and Mr. Frye of Maine, a member of the committee, to come to the President's room in the Capitol to

report to him the result of our observations. During the conversation, Grant expressed what he had often expressed on other occasions, his great admiration for Sheridan. He said: "I believe General Sheridan has no superior as a general, either living or dead, and perhaps not an equal. People think he is only capable of leading an army in battle, or to do a particular thing he is told to do. But I mean, all the qualities of a commander which enable him to direct over as large a territory as any two nations can cover in war. He has judgment, prudence, foresight, and power to deal with the dispositions needed in a great war. I entertained this opinion of him before he became generally known in the late war." I was so impressed with this generous tribute of one great soldier to another that, as soon as the interview was over, I wrote it down and asked Mr. Frye to join with me in certifying to its correctness. It is now before me, and has the following certificate: "The foregoing is a correct statement of what General Grant said to me and Mr. Frye in a conversation this morning in the President's room. February 15, 1875. George F. Hoar." "I heard the above conversation, and certify to the correctness of the above statement of it. William P. Frye."

I heard General Grant express a like opinion of Sheridan under circumstances perhaps even more impressive. I was a guest at a brilliant dinner-party given by Mr. Robeson, Secretary of the Navy, where Grant, General Sherman, General Sheridan, Commodore Alden, Admiral Porter, Chief Justice Chase, Attorney-General E. R. Hoar, Lyman Trumbull, Mr. Blaine, and some other men of great distinction were present. There were about twenty guests. Mr. James Russell Lowell was of the company. I believe no one of that brilliant circle is now living. Commodore Alden remarked, half in jest, to a gentleman who sat near him, that there was nothing he disliked more than a subordinate who always obeyed orders. "What is that you are saying, Commodore?" said President Grant, across the table. The Commodore repeated what he had said. "There is a good deal of truth in what you say," said General Grant. "One of the virtues of General Sheridan was that he knew when to act without orders. Just before the surrender of Lee, General Sheridan captured some despatches from which he learned that Lee had ordered his supplies to a certain place. I was on the other side of the river, where he could get no communication from me until the next morning. General Sheridan pushed on at once without orders, got to the place fifteen minutes before the rebels, and captured the supplies. After the surrender was concluded, the first thing General Lee asked me for was rations for his men. I issued to them the same provisions which Sheridan had captured. Now if Sheridan, as most men would have done, had waited for orders from me, Lee would have got off." I listened with wonder at the generous modesty which, before that brilliant company, could remove one of the brightest laurels from his own brow and place it on the brow of Sheridan.

I had another memorable conversation with Grant, not so pleasant. It revealed a capacity of intense passion which I do not know that he ever manifested on any other occasion. He had sent into the Senate the nomination of William A. Simmons for the important office of Collector of Boston. This was due to the influence of General Butler. Mr. Sumner, whose controversy with the President is well known, was then the senior Senator from Massachusetts. The nomination had been made, of course, without consulting him, with whom Grant was not on friendly terms, and without consulting any of the members of the House of Representatives except Butler. There was a very earnest opposition to this nomination. I went up to the White House to endeavor to induce President Grant to withdraw it, but he had gone out. I repeated my visit once or twice, but failed to find the President. The third or fourth time that I went up, as I was coming away I saw President Grant on the other side of Pennsylvania Avenue, walking alone on the sidewalk adjoining Lafayette Square. I suppose it was not in accordance with etiquette to join the President when he was walking alone in the street; but I overtook him, and said: "Mr. President, I have been to the White House several times, and been unable to find you in. The business of the House is very urgent just now, and it is difficult for me to get away again. Perhaps, therefore, you will kindly allow me to say what I have to say here." The President very courteously assented. I walked along with him, turned the corner, and walked along the sidewalk adjoining the east side of Lafayette Square, until we came to the corner opposite the house then occupied by Sumner, which is now part of the Arlington Hotel. I told the President that I thought the Republicans of Massachusetts would be much dissatisfied with the nomination of Simmons, and hoped it might be withdrawn. The President replied that he thought it would be an injustice to the young man to do so, and that the opposition to him seemed to be chiefly because he was a friend of General Butler. I combated the argument as well as I could. The whole conversation was exceedingly quiet and friendly on both sides until we turned the corner by Mr. Sumner's house, when the President, with great emphasis, and shaking his closed fist toward Sumner's house, said: "I shall not withdraw the nomination. That man who lives up there has abused me in a way which I never suffered from any other man living." I did not, of course, press the President further. But I told him I regretted very much the misunderstanding between him and Mr. Sumner, and took my leave. It was evident that in some way the President connected this nomination with the controversy between himself and Sumner.

I have always lamented, in common with all the friends and lovers of both these great men, that they should have so misunderstood each other; yet it was not unnatural. They were both honest, fearless,

patriotic, and brave. Yet never were two honest, fearless, patriotic, and brave men more unlike each other. The training, the mental characteristics, the field of service, the capacities, the virtues, the foibles of each tended to make him underestimate and misunderstand the other. The man of war, and the man of peace; the man whose duty it was to win battles and conduct campaigns, and the man who trusted to the prevalence of ideas in a remote future; the man who wielded executive power, and the man who in a fierce contest with executive power had sought to extend the privileges, power, and authority of the Senate; the man who adhered tenaciously to his friends though good and evil report, and the man whose friendships were such that evil report of personal dishonor never dared assail them; the man of little taste for letters, and the man of vast and varied learning; the man of blunt, plain ways, and the man of courtly manners; the man of few words, and the man who ever deemed himself sitting in a lofty pulpit with a mighty sounding board, with a whole widespread people for a congregation—how could they understand each other? Grant cared little for speech-making. It sometimes seemed as if Sumner thought the Rebellion itself was put down by speeches in the Senate, and that the war was an unfortunate and most annoying, though trifling disturbance, as if a fire-engine had passed by. Sumner did injustice to Grant; Grant did injustice to Sumner. The judgment of each was warped and clouded, until each looked with a blood-shotten eye at the conduct of the other. But I believe they know and honor each other now.

CHAPTER XIII SUMNER AND WILSON

When I took my seat on the 4th of March, 1869, the Commonwealth of Massachusetts had a position of power in both Houses of Congress never held by any other State before or since, unless we except that held for a short time in early days by Virginia. Charles Sumner was beyond all question the foremost figure on the National stage, save Grant alone. He had seen the triumph of the doctrines for which he had contended all his life. He had more than any other man contributed to fetter the hands of Andrew Johnson and drive him from power. Henry Wilson was the most skilful political organizer in the country. Sumner was at the head of the Committee on Foreign Relations, and Wilson of that of Military Affairs. In the House Henry L. Dawes was at the head of the Committee on Appropriations, Benjamin F. Butler of the Committee on Reconstruction, William B. Washburn of the Committee on Claims, Nathaniel P. Banks of the Committee on Foreign Affairs. These Committees with the Committee on the Judiciary of which General Butler was a member, and the Committee on Ways and Means, controlled the policy of the House on all the great questions then interesting the country. Samuel Hooper had the third place on the Committee on Coinage, Weights and Measures. But he was its dominant member and in a later Congress introduced the Bill for Reforming the Currency, a wise and salutary measure. It is known, however, among ignorant people in some parts of the country as "The Crime of '73."

Sumner and Wilson are so well known to the American people that it would be superfluous for me to attempt to describe either elaborately. I have spoken of each at some length elsewhere.

Charles Sumner held a place in the public life of the country which no other man ever shared with him. He held a place in the public life of the world shared by very few indeed. He was an idealist. He subjected every measure to the inexorable test of the moral law. Yet, at the same time, he was a powerful political leader, and in a time when the fate of the Republic was decided accomplished vast practical results. Where duty seemed to him to utter its high commands he could see no obstacle in hostile majorities, and no restraint in the limitations of a written Constitution. It is right, therefore Constitutional, was the logical formula with which he dealt with every question of State. We should be deaf and blind to all the lessons of history, if we were to declare it to be safe that men trusted with Executive or even with Legislative power should act on that principle. Unfortunately, humanity is so constituted that the benevolent despot is likely to work more mischief even than a malevolent despot. His example of absolute disregard of constitutional restraints will be followed by men of very different motives. Yet the influence of one such man pressing and urging his companions forward in a Legislative body like the Senate of the United States, keeping ever before the people the highest ideals, inspired by the love of liberty, and ever speaking and working in the fear of God, is inestimable.

Charles Sumner lacked that quality which enables the practical statesman to adjust the mechanism of complicated statutes. He had no genius for detail. It would not have been safe to trust him with Appropriation Bills, or Bills for raising revenue. But he was competent to deal with questions of the greatest moment to the State. He knew what are its governing forces. He retained his hold on those forces. He directed them. He caused sound principles of action to take effect in the Government of the State in great emergencies. He converted the people to his opinion. He inspired the people with lofty desires. He accomplished wise public ends by wise means. He maintained his hold on power in an important time. He took a prominent part in great debates and was the acknowledged leader of one side of the question. He believed that the conscience of the people was a better guide than individual ambitions. He always did the thing he could best do. He did the thing that most needed to be done, the thing most effective at the time, the thing that no other man did or could do. He left to others to do

what hundreds of others could do well enough. He contributed largely to the Government of his country, in the most trying period of our history, its motive and its direction. That is a pretty practical contribution to the voyage which furnishes to the steamship its engine and its compass. His figure will abide in history like that of St. Michael in art, an emblem of celestial purity, of celestial zeal, of celestial courage. It will go down to immortality with its foot upon the dragon of Slavery, and with the sword of the spirit in its hand, but with a tender light in its eye, and a human love in its smile. Guido and Raphael conceived their "inviolable saint,"

Invulnerable, impenetrably armed:

Such high advantages his innocence
Gave him above his foe; not to have sinned,
Not to have disobeyed. In fight he stood
Unwearied, unobnoxious to be pained
By wounds.

The Michael of the painters, as a critic of genius akin to their own has pointed out, rests upon his prostrate foe light as a morning cloud, no muscle strained, with unhacked sword and unruffled wings, his bright tunic and shining armor without a rent or stain. Not so with our human champion. He had to bear the bitterness and agony of a long and doubtful struggle, with common weapons and against terrible odds. He came out of it with soiled garments and with a mortal wound, but without a regret and without a memory of hate.

It was fortunate for Sumner and fortunate for the Commonwealth and the country that he had Henry Wilson for his colleague. Wilson supplied almost everything that Sumner lacked. I cannot undertake to tell the story of his useful life in the space at my command here. If I were to try I should do great injustice to him and to myself.

He was a very impressive and interesting character, of many virtues, of many faults. His faults he would have been the first to acknowledge himself. Indeed, I do not know of any fault he had that he would not have acknowledged and lamented in a talk with his near friend, or that he would have sought to hide from the people.

The motives which controlled his life from the time when he snatched such moments as he could from this day's work on a shoemaker's bench and studied far into the night to fit himself for citizenship, down to the time when he died in the Vice-President's chamber—the second officer in the Government—and if his life and health had been spared, he very likely would have been called to the highest place in the Government—were public and patriotic, not personal. He was not without ambitions for himself. But they were always subordinate in him to the love of liberty and the love of country. He espoused the unpopular side when he started in life, and he stuck to it through all its unpopularity.

He was a skilful, adroit, practised and constant political manager. He knew the value of party organization, and did not disdain the arts and diplomacies of a partisan. He carried them sometimes farther, in my judgment, than a scrupulous sense of honor would warrant, or than was consistent with the noble, frank, lofty behavior which Massachusetts and the American people expect of their statesmen. The most conspicuous instance of this was his joining the Know Nothing Party, in whose intolerance he had no belief.

But it was done as an instrument for destroying the existing political parties, which were an obstacle to freedom, and clearing the field for a new one. This object was successfully accomplished, and in its accomplishment Wilson had a large share. But it was, in my judgment, doing evil that good may come. Wilson freely admitted this before he died, and said— I have no doubt with absolute sincerity—that he would give ten years of his life if he could blot out that one transaction.

He was a very valuable legislator. He was the author of many important measures in the war, during which he was chairman of the Committee on Military Affairs of the Senate, and showed much ability in the way of practical and constructive statesmanship. I do not believe any man in the Senate in his time, not even Sumner, had more influence over his colleagues than he.

There was not a drop of bigotry, intolerance, or personal hatred in him. As you would expect from a man who raised himself from the humblest to the loftiest place in the republic, he was a believer in pure manhood, without respect of persons or conditions.

He was a powerful stump orator. He never made speeches that were quoted as models of eloquence or wisdom. But he knew what the farmer and the mechanic and the workman at his bench were thinking of, and addressed himself always to their best and highest thought. He was a great vote-making speaker. When Mechanics Hall, in Worcester, or the City Hall was filled to hear Henry Wilson in a close campaign, many men who entered the hall undecided or against him, went away to take

earnest part on his side.

He had a good many angry political strifes. But he never bore malice or seemed to keep angry over night. General Butler once wrote him a letter pouring out on his head the invective of which he was so conspicuous a master. Wilson brought the letter into the office of a dear friend of mine in Boston when I happened to be there, handed it to us to read, and observed: "That is a cussed mean letter." I do not think he ever spoke of it or scarcely thought of it again.

But his chief gift and faculty is one which I can hardly think of words to describe fitly. The few of his old friends who are left will understand what I mean. But I can hardly make those who did not know him, or live in his time, comprehend it. That was his rare and unequalled gift of gathering and uttering the sentiment of the people. When new and doubtful matters of pith and moment were to be dealt with, and after a long apparent hesitation, and backing and filling, and what people who did not know him thought trembling in the balance, he would at last make up his mind, determine on his action, and strike a blow which had in it not only the vigor of his own arm, but the whole vigor and strength of the public sentiment which he had gathered and which he represented. He was an ubiquitous person. He would travel all over the State, spending the day, perhaps, in visiting forty shops and factories in the neighborhood of Boston; then take a nine or ten o'clock train at night and go up to Springfield, get in there at two or three o'clock in the morning, call up out of bed some active politician and tell him he had come to sleep with him; spend the night in talking over the matter about which he was anxious until six or seven o'clock in the morning (I do not believe he ever slept much, either with anybody or alone), and then, perhaps, up to Northampton or Greenfield to see some person whom he called Tom, Dick, or Harry, but who knew the local feeling there; and after a week or two spent in that way, never giving his own opinion, talking as if he were all things to all men, seeming to hesitate and hesitate and falter and be frightened, so if you had met him and talked with him you would have said, if you did not know him well, that there was no more thought, nor more steadiness of purpose, or backbone in him than in an easterly cloud; but at length, when the time came, and he had got ready, the easterly cloud seemed suddenly to have been charged with an electric fire and a swift and resistless bolt flashed out, and the righteous judgment of Massachusetts came from his lips.

With all his faults, Peace be to the ashes of Henry Wilson. He was a leader and a tribune of the people. We do not seem to have such leaders now-a-days. I liked Charles Sumner better. But it was a great thing for Massachusetts, a great thing for human liberty, and a great thing for Charles Sumner himself that he had Henry Wilson as a friend and ally, a disciple and a co-worker.

If Wilson had lived, in my opinion, it is quite likely that he would have been the Republican candidate for the Presidency in 1876, and would have been triumphantly elected. There was a very powerful movement going on all over the country to bring that about. Wilson's hold upon the affection of the people everywhere was very strong indeed.

Wilson became Vice-President of the United States, March 4, 1873. He died two years afterward. I was asked to write the inscription for a tablet placed in the Vice-President's Room in the Capitol by order of the Senate in 1902. It follows here.

IN THIS ROOM HENRY WILSON VICE PRESIDENT OF THE UNITED STATES DIED NOVEMBER 22 1875. THE SON OF A FARM LABORER, NEVER AT SCHOOL MORE THAN TWELVE MONTHS, IN YOUTH A JOURNEYMAN SHOEMAKER, HE RAISED HIMSELF TO THE HIGH PLACES OF FAME, HONOR AND POWER, AND BY UNWEARIED STUDY MADE HIMSELF AN AUTHORITY IN THE HISTORY OF HIS COUNTRY AND OF LIBERTY, AND AN ELOQUENT PUBLIC SPEAKER TO WHOM SENATE AND PEOPLE EAGERLY LISTENED. HE DEALT WITH AND CONTROLLED VAST PUBLIC EXPENDITURE DURING A GREAT CIVIL WAR, YET LIVED AND DIED POOR, AND LEFT TO HIS GRATEFUL COUNTRYMEN THE MEMORY OF AN HONORABLE PUBLIC SERVICE, AND A GOOD NAME FAR BETTER THAN RICHES.

CHAPTER XIV PERSONALITIES IN DEBATE

I have been, in general, enabled to avoid angry conflicts in debate or the exchange of rough personalities. My few experiences of that kind came from attacks on Massachusetts, which I could not well avoid resenting. The only two I now think of happened in my first term. In one case, Mr. S. S. Cox of New York, who was one of the principal champions on the Democratic side of the House, a man noted for his wit, undertook to make an attack on the Massachusetts Puritans, and to revive the old slander that they had burned witches. I made some slight correction of what Mr. Cox had said but he renewed the attack. I was then comparatively unknown in the House. Mr. Cox treated me with considerable contempt, and pointing to Mr. Dawes, who had charge of the bill then under discussion, but who had not given any reply to Cox's attack, said, with a contemptuous look at me: "Massachusetts does not send her Hector to the field," to which I answered that it was not necessary to send Hector to the field when the attack was led by Thersites. The retort seemed to strike the House favorably, and was printed in the papers throughout the country, and Cox let me and Massachusetts alone thereafter.

I had a like encounter with Daniel W. Voorhees of Indiana, who was a more formidable competitor. Mr. Voorhees made the same charge against the people of Massachusetts of having burned witches at the stake in the old Puritan time. It was in a debate under the five-minute rule. After reiterating the old familiar slander that the State of Massachusetts in her early history had burned witches at the stake, Mr. Voorhees added that in 1854 or 1855 the Know Nothings broke up convents, burned Catholic churches, and would have burned Catholics and Sisters of Charity themselves at the stake within her borders, if they had dared to do so.

I declared both of these charges to be utterly false, and said that no human being was ever burned at the stake in Massachusetts for the crime of witchcraft, and though at a time when the whole civilized world believed in witchcraft on the authority of certain passages in the Old Testament, the courts of Massachusetts did execute some nineteen or twenty persons of both sexes for the alleged crime of witchcraft, it was also true that the people of Massachusetts were the first among men to see the error and wickedness of this course; that although late in the following century, many people were condemned for witchcraft in England and on the Continent, the love of justice and the intelligence of Massachusetts first exposed that error and wickedness.

I explained that a convent was burned in Massachusetts, not in 1854 or 1855 by the Know Nothings, but in 1836, by a mob excited by a rumor that some terrible cruelty had been inflicted upon some young women who had been placed in a convent at Charlestown; that the criminals were arrested, tried and sentenced, and that their crime left no more stain upon the State than any criminal act committed within the limits of any civilized country. In conclusion, I said it did not become the political friends of the men who had burned our soldiers alive at Fort Pillow, or who burned orphan asylums in New York, and hung negroes on lamp posts, to talk of cruelties in a past age.

This retort angered Voorhees beyond endurance, and before I could finish my sentence, he sprang to his feet and cried out in great anger: "Every word the gentleman says is false and he knows it." There was a demand that my words be taken down and that the words of Mr. Voorhees be taken down. That was done. The chairman of the committee, Mr. Ingersoll, brother of the famous Robert G. Ingersoll, declared that the words of Mr. Voorhees were unparliamentary, and ruled that my language was "rather pungent but not unparliamentary." Whereupon the committee arose amid great laughter, and the transaction ended.

CHAPTER XV THE NATIONAL HOUSE OF REPRESENTATIVES IN 1869

The House, when I entered it, contained many very able men. Some of them remained long enough in public life to fill a large and prominent place in the history of the country. Others retired early. I will mention only a few.

I do not think his countrymen have estimated Nathaniel P. Banks at his true value. When he left office at the ripe age of seventy-five a public service ended surpassed in variety and usefulness by that of few citizens of Massachusetts since the days of John Adams. He bore a great part in a great history. Men who saw him in his later life, a feeble, kindly old man, with only the remains of his stately courtesy, had little conception of the figure of manly strength and dignity which he presented when he presided over the Constitutional Convention in 1853, or took the oath of office as Governor in 1858. He raised himself from a humble place, unaided, under the stimulant of a native and eager desire for excellence. He was always regarded by the working people of Massachusetts as the type of what was best in themselves and as the example and representative of the great opportunity which the Republic holds out to its poorest citizens and their children. He was a natural gentleman, always kindly and true. From this trait and not because of a want of fidelity to his own convictions he found as warm friends among his political opponents as among his political associates.

Gen. Banks was Chairman of the Committee on Foreign Relations in 1869. He was then beginning to lose somewhat his oratorical power and the splendid qualities which made him so important a force in the history of Massachusetts and of the country. But still on fit occasions he showed all his old vigor and brilliancy. When the delegation gave a dinner to William B. Washburn on his election as Governor Banks presided. He kept up a running stream of eloquence and wit as he introduced the different speakers and punctuated their remarks with interjections of his own, which I have never known equalled, though I have attended many like occasions. Banks was a man of humble origin. He used to be known as the Waltham Bobbin Boy. He worked in his boyhood and youth in a factory in Waltham. He had very early a passion for reading. When Felton was inaugurated President of Harvard, Banks was Governor. As is the custom, he represented the Commonwealth and inducted the new President into office. There were famous speakers at the Dinner,— Daniel Webster, old Josiah Quincy, Edward Everett, Dr. Walker, Winthrop, and Felton himself. But the Governor's speech was the best of the whole. He described the time of his poverty in his youth when he used to work in a mill five days in a

week, and on Saturday walk ten miles to Boston to spend the day in the Athenaeum Library and ten miles back at night. He told how he used to peer in through the gate as he passed Harvard College with an infinite longing for the treasures of learning that were inside. That refined and fastidious audience was stirred by an unwonted emotion.

The older public men of Massachusetts did not take very kindly to Banks. He was a man of the people. He was sometimes charged, though unjustly, with being a demagogue. He sometimes erred in his judgment. But he was a man of large and comprehensive vision, of independence, and exerted his vast influence with the people for high ends. He might justly be called, like the negro Toussaint, L'Ouverture,—The Opener. His election as Governor extracted the people from the mire of Know Nothingism. His election as Speaker of the Massachusetts House of Representatives was part of the first victory over the Whig Dynasty which had kept the State, contrary to its best traditions, in alliance with slavery. His election as Speaker of the United States House of Representatives was the first National Republican victory. His taking a little slave girl on a cannon during the War in his march through the Shenandoah Valley was hailed throughout the country as an omen that the War would not end until slavery was abolished. He rendered a special service to the Commonwealth and to the cause of good learning which I think never would have been accomplished without his personal influence. When Agassiz had been in this country but a few years he seriously contemplated going back to Europe. It was understood that he would stay if a sufficient fund could be raised to enable him to prosecute his researches here and to establish a museum where his collections could be cared for and made useful to science. There was a meeting in Boston to see about raising the fund. The Governor was invited to attend. The gentlemen present spoke rather doubtfully of the prospect of success. Governor Banks was asked what he thought the Commonwealth would do. He replied: "The Commonwealth will give a hundred thousand dollars." The Legislature had been of late years economical, not to say niggardly, in such matters. Governor Banks's declaration was received with entire incredulity. One gentleman present said that he was very much discouraged by what His Excellency had said. If he had said some moderate sum there might have been hope that it would be given, but it was utterly hopeless to expect that any such extravagant sum as that would be contributed by the State. The gentleman seemed to be well warranted in what he said. The three colleges, Harvard, Amherst and Williams, had united in an application for one hundred thousand dollars shortly before. It was supported by the eloquence of Edward Everett and the authority of Mark Hopkins and President Hitchcock. Harvard was then so poor that they had not money to spare when they wanted to move the pulpit from the end to the side of the Chapel. But the application was denied. Banks relied in his somewhat sonorous fashion: "You need not trouble yourself, Sir. The Commonwealth will give a hundred thousand dollars." And she did. This was followed by the grant, under Banks's influence, for the endowment of the Boston Institute of Technology, large grants to the colleges and grants to some of the endowed schools.

General Banks's statue should stand by the State House as one of the foremost benefactors of the great educational institutions of the Commonwealth, and as an example of what a generous ambition can accomplish for the humblest child in the Republic.

Governor Boutwell, who is still living, became a member of President Grant's Cabinet in March, 1869, and remained in the House only a day or two of the spring session which lasted about ten days. He was succeeded in the following December by George M. Brooks, who had been my friend from early boyhood. He would in my judgment have had an eminent political career if he had remained in public life, but for his great modesty. He never seemed to value highly anything he accomplished himself. But his sympathy and praise were always called out by anything done by a friend. I think Brooks took much more pleasure in anything well done or well said by one of his colleagues than in anything of his own. He was a man of an exceedingly sweet, gracious and affectionate nature, loving as a child, yet as men of such natures often are, thoroughly manly. He was incapable of any meanness or conscious wrongdoing. He had a very pleasant and ready wit. The people of Middlesex County, especially of Concord, were very fond of him, and would have kept him in public life as long as he desired. But his health was not good in Washington. The climate of the place and the bad air of the House were unfavorable. He did not fancy very much the strife and noise of that turbulent assembly. So he gladly accepted an appointment to the office of Judge of Probate of Middlesex County which was absolutely suited to him. He administered that important office to the entire satisfaction of the people until his death. I think George Brooks's smile would be enough to console any widow in an ordinary affliction.

William Barrett Washburn, afterward Governor and Senator, was Chairman of the Committee on Claims.

He is one of the best recent examples of a character whose external manifestations change somewhat with changing manners and fashions, but the substance of whose quality abides and I believe will abide through many succeeding generations. He was a New England Puritan. He brought to the service of the

people a purity of heart, a perfect integrity, an austerity of virtue which not so much rendered him superior to all temptation as made it impossible to conceive that any of the objects of personal desire which lead public men astray could ever to him even be a temptation.

There were few stronger or clearer intellects in the public service. His mind moved rapidly by a very simple and direct path to a sound and correct result in the most difficult and complicated cases. The Chairmanship of the Committee on Claims was then with two or three exceptions the most important position in the House. He spoke very seldom and then to the point, stating very perfectly the judgment of a clear-headed and sound business man. But his opinion carried great weight. He was universally respected. Every man felt safe in following his recommendation in any matter which he had carefully investigated.

Congress was beset by claims to the amount of hundreds and hundreds of millions, where fraud seemed sometimes to exhaust its resources, where, in the conflict of testimony, it was almost impossible to determine the fact, and where the facts when determined often presented the most novel and difficult questions of public law and public policy. Mr. Washburn's dealing with these cases was the very sublimity of common sense. He very soon acquired the confidence of the House so completely that his judgment became its law in matters within the jurisdiction of his committee. I became acquainted with him, an acquaintance which soon ripened into cordial friendship, when I entered the House in the spring of 1869. I think I may fairly claim that it was the result of what I said and did that he was agreed upon by the opponents of General Butler as their candidate for Governor, and was Butler's successful antagonist.

Beneath his plain courtesy was a firmness which Cato never surpassed. Upon a question of morality, or freedom or righteousness there was never a drop of compromise in his blood. He could not be otherwise than the constant foe of slavery, and the constant friend of everything which went to emancipate and elevate the slave. It was his good fortune to record his vote in favor of all the three great amendments to the constitution, and to be the supporter, friend and trusted counsellor of Abraham Lincoln.

After his election to fill Sumner's unexpired term I had a letter from Adin Thayer in which he said: "Washburn hates Butler with an Evangelical hatred which you know is more intense than a Liberal Christian can attain to."

James Buffington was a shrewd and amusing character. He understood the temper of the House very well and had great influence in accomplishing anything he undertook. He prided himself on the fact that he never missed answering to his name at roll call during his whole term of service. He understood very well the art of pleasing his constituents. He made it a rule, he told me, to send at least one document under his own frank every year to every voter in his District. On one occasion in a hotly contested election he had four votes more in a town on Cape Cod than any other candidate. He was curious and inquired what it meant. The Chairman of the Selectmen told him that there were four men who lived in an out-of-the-way place, who never came to town meetings and nobody seemed to know much about them. They were a father and his three sons, living together on the same farm. But at that election they appeared at the town meeting. All four voted for Buffington and for no other candidate and disappeared at once. The Selectman asked him why he voted for Buffington. "If he knew him?" "No!" said the old fellow. "He knows me. He sends me and each of my sons a document every winter."

Buffington was very anxious about the matter of patronage and of getting offices for all his constituents. A great many men applied for his support; frequently there were many applications for the same office. He did not like to refuse them. So he made it a rule to give all of them a letter of recommendation to the Departments. But he had an understanding with the appointing clerks that if he wrote his name Buffington with the g he desired that man should be appointed, but if he wrote it Buffinton without the g he did not wish to be taken seriously.

Beyond all question the leader of the Massachusetts delegation, and of the House, was Henry L. Dawes. He had had a successful career at the bar and in public life before his election to Congress. In Congress he made his way to the front very rapidly. No member of the House of Representatives from Massachusetts and few from any part of the Union had an influence which could be at all compared with his. He became in succession Chairman of the two foremost Committees, that of Appropriations and that of Ways and Means. He was a prominent candidate for the office of Speaker when Mr. Blaine was elected and was defeated, as I have said elsewhere, only by the adroit management of Butler.

Mr. Dawes represented the Berkshire District in the House for eighteen years when he declined further service there. He was then elected to the Senate where he remained eighteen years longer, when he declined further service there. During the last part of his last term he was troubled with a

growing deafness which I suppose had much to do with his declining to enter upon the contest for another reelection. He was regarded by the manufacturers of Massachusetts as their faithful and powerful representative. He had several contests for his seat in the Senate when his opponents thought they were sure of success; but they found themselves left in the minority when the vote came to be taken. They never fully comprehended what defeated them. They would get the support of men who were active in caucuses and nominating conventions and supposed with excellent reason that they were safe. But there was in every factory village in Massachusetts some man of influence and ability and wealth, frequently a large employer of labor, who had been in the habit of depending on Mr. Dawes for the security of his most important interests, so far as they could be affected by legislation. They knew him and they knew that he knew them, and their power when they chose to exert it could not be resisted.

Persons who saw Mr. Dawes in his later years only, when he sat quietly in his seat in the Senate, taking little part save in a few special subjects, could not realize what a power he had been when he was the leading and strongest champion in that great body which contained Blaine and Bingham and Butler and Schenck and Farnsworth and Allison and Eugene Hale and Garfield.

When Mr. Dawes left the Senate in 1893, his associates gave a banquet in his honor, at which I made the following remarks. They were, I believe, approved by the entire company. I record them here as my deliberate judgment:

"If there be any admirer of other forms of government who think unfavorably of our republican fashion of selecting our rulers, I would invite him to examine the list of men whom Massachusetts for a hundred years has chosen as her Senators of the first class. I do not claim for her any superiority over other Commonwealths in this respect—but certainly she has given you of her best. She has sent men who were worthy to be peers of the men who have represented her sister States, and if that be true, they surely have been worthy to be peers in any Senate that was ever gathered upon earth. The line begins with Tristram Dalton, save Washington the stateliest gentleman of his time, rich in every mental accomplishment, whose presence graced and ennobled every assembly that he entered. Next to him comes George Cabot, the wise statesman and accomplished merchant, beloved friend of Hamilton, trusted counsellor of Washington, whose name and lineage are represented at this table to-night, who shared with this successor, Benjamin Goodhue, the honor of being the first authority in finance in their generation, save Hamilton alone.

"Then comes John Quincy Adams, who left the Senate, after years of illustrious public service, in 1808, but to begin another public service of forty years, still more illustrious. He served his country in every department of public occupation. He was Minister in five great Powers in succession. He was present as Secretary when the treaty of peace was signed in 1783. He negotiated and signed the Treaty of Ghent, the Commercial Treaty of 1815, the French Treaty of 1822, the Prussian Treaty, and the treaty which acquired Florida from Spain. He was Senator, Representative, Foreign Minister, Secretary of State, and President. He breasted the stormy waves of the House of Representatives at the age of eighty, and when he died in the Capitol, he left no purer or loftier fame behind him.

"Next came James Lloyd, the modest gentleman, the eloquent orator and the accomplished man of business. Then came Gore and Ashmun and Mellen and Mills, each great among the great lawyers of a great generation. Next in the procession comes the majestic presence of Daniel Webster, whose matchless logic and splendid eloquence gave to the Constitution of the country an authority in the reason and in the hearts of his countrymen equal to anything in judicial decision and equal to that of any victory of arms. With his reply to Hayne, it has been said that every Union cannon in the late war was shotted. His power in debate was only equalled by his wisdom in council. It was said of him by one whose fame as a great public teacher equals his own: 'His weight was like the falling of a planet, his discretion the return of its due and perfect curve.'

"Then comes Rufus Choate, next to Webster himself the foremost forensic orator of modern times, against whose imperial eloquence no human understanding, either on the Bench or in the jury box, seemed to be proof. Following them is he who still lives in his honored age, with his intellectual powers unshattered, the foremost citizen of his native Commonwealth, the accomplished and eloquent Winthrop. Next comes Rantoul, who died when his foot had scarcely crossed the threshold of the Senate Chamber, whose great hope was equal to the greatest of memories. Next is the figure of the apostle of liberty, Charles Sumner, the echo of whose voice still seems to linger in the arches of the Capitol. To those of us who remember him, he seems, as Disraeli said of Richard Cobden, 'still sitting, still debating, still legislating' in the Senate Chamber.

"No two of these men were alike in the quality they brought to the public service. Their mental portraiture is as different and as individual as the faces painted by Titian or Van Dyke or Holbein. But each brought to the service of the State what she most needed in each generation. The constructive

statesman, the framer of the Constitution and statutes, the financier, the debater, the lawyer, the man of business, the diplomatist, the reformer, the orator, are all there, and all are there at their best.

"It is enough, and not too much, to say of my colleague that, as he lays down his office, the State that has been proud of them is proud of him. The State that has been satisfied with them is satisfied with him. In all this illustrious line, there is none other who has more faithfully and more successfully discharged every duty of Senatorial service, and who has more constantly represented the interests and character of the dear old Commonwealth, who has maintained a higher or firmer place in her confidence and respect than he whom we greet and with whom we part to-night. Mr. Dawes was elected to the Massachusetts House of Representatives in 1847. Every year since, with one exception, he has held some honorable public station from the gift of his native State. Everywhere, at the Bar, in the State Legislature, in the Representative Chamber, in the Senate Chamber, he has been a leader. Some great department of public service has depended upon him for a successful administration. He has always been appointed to some special service or duty or difficulty which he has discharged to the entire satisfaction of his constituents and his political associates. His work has been as remarkable for its variety as for its dignity and importance, or the length of time for which it has continued. He has proved himself fit for every conspicuous position in our Republican army except that of trumpeter. When the duty was done, he has not sought for personal credit or popular applause. His qualities have not been those for which the people manifested their regard by shouting or clapping of hands, or stamping of feet in public meetings; he has had no following of ambitious politicians whom he has sought to repay for their political services at the public expense.

"But he has had a place second to that of no other man in the solid and enduring esteem of the people of the Commonwealth. He has been content to do a service, and has left the other men who sought for it the credit of doing it. His official action has tended to make or unmake great industries. Great fortunes have depended upon it. He has affected values of millions upon millions, and yet he retires from office with unstained hands, without fortune, and without a spot upon his integrity. He has no children pensioned at the public charge. He will leave behind him no wealth gained directly or indirectly from his public opportunities. He will go back to a humble and simple dwelling not exceeding in costliness that of many a Massachusetts merchant or farmer. But honor, good fame, the affection of his fellow citizens, the friendship of his fellow Senators will enter its portals with him, and there they will dwell with him until he leaves it for his last home."

Mr. Dawes was a very powerful and logical reasoner. He was a very successful advocate when at the Bar and he was always a strong antagonist in debate and very effective as a campaign speaker. He stuck closely to his subject. He had a gift of sarcasm with which he could make an adversary feel exceedingly uncomfortable, although he rarely indulged in it. He almost never attempted eloquence, except so far as it is found in his grave and effective statement of his case. One sentence of his which I myself heard deserves to be remembered among the best things in American eloquence. Speaking to thirty or forty people at a club in Boston of the power and greatness of the Republic, he said: "If we cannot say of our country, as Mr. Webster said of England, 'that her morning drum-beat circles the earth with an unbroken strain of her martial airs,' we can at least say that before the sun sets upon Alaska he has risen upon Maine."

In my first Congress the leadership was shared between my colleague, Mr. Dawes, and Robert C. Schenck of Ohio. General Schenck was an old Whig. He had served with distinction in the time of Webster and Clay and Calhoun and Corwin. He had the gift of vigorous, simple Saxon English. He was a very powerful debater, a man of wisdom and of industry. He was Chairman of the Committee on Ways and Means, and carried through to success, against odds and difficulties, an important tariff bill. At one time he found the measure, which he had introduced, overloaded and destroyed by amendments. He abandoned it in disgust, declaring that it had been "nibbled to death by pismires." But he afterward introduced the measure in another form, and came off successful and triumphant in the end.

He was afterward sent abroad by General Grant to succeed Mr. Motley. He got into trouble there by giving a letter of recommendation which was unwisely used to promote an enterprise known as the Emma Mine. He gave the recommendation, I have no doubt, in entire good faith. The stock of that mine went down. The investors lost their money, and great complaint was made that he had used his official position to promote a fraudulent scheme. He was compelled to withdraw from the Mission. He was not recalled, but came home on leave of absence, and resigned here. So he was not obliged to take formal leave. But the stock of the mine afterward became exceedingly valuable, and the public regretted the unjust judgment they had formed about General Schenck. I had and have a great regard for him. There was not a dishonest hair on the old fellow's head. His health failed soon after, so he had no opportunity to render further service, which would undoubtedly have caused that unpleasant affair to be forgotten.

Judge Luke P. Poland of Vermont was another very interesting character. He was well known

throughout the country. He had a tall and erect and very dignified figure, and a fine head covered with a beautiful growth of gray hair. He was dressed in the old-fashioned style that Mr. Webster used, with blue coat, brass buttons and a buff-colored vest. His coat and buttons were well known all over the country. One day when William Lloyd Garrison was inveighing against some conduct of the Southern whites, and said: "They say the South is quiet now. Order reigns in Warsaw. But where is Poland?" An irreverent newspaper man said: "He is up in Vermont polishing brass buttons."

The Judge was a very able lawyer, and a man of very great industry. He and Judge Hoar went over together the revision of the United States statutes of 1874, completing a labor which had been neglected by Caleb Cushing. Judge Poland had a good deal of fun in him, and had a stock of anecdotes which he liked to tell to any listener. It was said, I do not know how truly, that he could bear any amount of whiskey without in the slightest degree affecting his intellect. There was a story that two well-known Senators laid a plot to get the Judge tipsy. They invited him to a room at Willards, and privately instructed the waiter, when they ordered whiskey to put twice as much of the liquid into Poland's glass as into the others. The order was repeated several times. The heads of the two hosts had begun to swim, but Poland was not moved. At last they saw him take the waiter aside and heard him tell him in a loud whisper: "The next time, make mine a little stronger, if you please." They concluded on the whole that Vermont brain would hold its own with Michigan and Illinois.

One of the most amusing scenes I ever witnessed was a call of the House in the old days, when there was no quorum. The doors were shut. The Speaker sent officers for the absentees. They were brought to the bar of the House one after another. Judge Poland happened to be one of the absentees. My colleague, Mr. Dawes, was in the chair. Poland was brought to the bar. Mr. Dawes addressed him with solemnity: "Mr. Poland, of Vermont, you have been absent from the session of the House without its leave. What excuse have you to offer?" The Judge paused a moment and then replied in a tone of great gravity and emotion: "I went with my wife to call on my minister, and I stayed a little too long." The House accepted the excuse, and I suppose the religious people of the Judge's district would have maintained him in office for a thousand years by virtue of that answer, if they had had their way. A man who had been so long exposed to the wickedness and temptations of Washington, and had committed only the sin of staying a little too long when he called on his minister might safely be trusted anywhere.

Judge Peters, of Maine, did not speak very frequently and did not attract much public attention. But he had a strong influence with the members of the House. He was on the Judiciary Committee. He made brief, pithy speeches which generally convinced the House. He declined to continue in the National service, where the people of Maine would have been willing to keep him until his dying day. He afterward became Chief Justice of Maine, and sustained the high character which the Bench of that State has had from the beginning.

There is one anecdote of him, which does not come within the sphere of my recollections, but which I think perhaps my readers will prefer to anything that does. A few years ago a young man who kept a grocery store was tried before Judge Peters for larceny. He was a very respectable young tradesman. The Salvation Army had engaged quarters next to his store, where they disturbed him and his customers a good deal by playing on the drum and other similar religious services. But that was not all. They used to come out on the sidewalk and beat a large drum and sing and kneel in prayer just before his door, much to the disturbance of his customers and the aggravation of the young grocer. One day he purloined and hid the large drum. He was detected and indicted for larceny. The Attorney-General, for the Government, maintained that everything that went to constitute the crime of larceny existed there. He had taken secretly another man's property from his possession, for purposes of his own. Whether he meant to destroy it or hide it or to convert it to his own use made no difference in the offence against the owner or against the law. On the other hand the defendant's counsel argued that it was a mere matter of mischief; that there was no felonious intent, and no purpose to deprive the owner permanently of the property. The Chief Justice charged very strongly for the Commonwealth. The jury very reluctantly brought in a verdict of guilty. The poor fellow was sorely distressed. He was convicted as a thief. His life seemed to be blighted and ruined past hope. The Chief Justice said: "Mr. Clerk, you may record the verdict. I may as well sentence him now. I shall fine him a dollar, without costs. I once stole a drum myself."

John A. Logan was a member of the House when I entered it, and I served with him in the Senate also. He was a man of remarkable power, and remarkable influence, both with the Senate and with the people. It is, I believe, agreed by all authorities that we had no abler officer in the Civil War than he, except those who were educated at West Point. He was always a great favorite with the veteran soldiers. He was rough in speech, and cared little for refinements in manner. He was said to be an uneducated man. But I believe he was a man of a good many accomplishments; that he spoke some foreign languages well, and had a pretty good knowledge of our political history. He was exceedingly

imperious and domineering, impatient of contradiction in any matter which he had in charge. So he was rather an uncomfortable man to get along with. He was especially sensitive of any ridicule or jesting at his expense. He was supposed, I know not how truly, to be exceedingly impatient and ready for war on any man who crossed his path. But his behaviour when he was ordered to supersede General Thomas, just before the battle at Nashville and Franklin, is a noble instance of magnanimity.

When Sherman started for the sea, Hood, with a large rebel army, was in his rear. Gen. Thomas was ordered to attack him. But he delayed and delayed till the authorities at Washington grew impatient and ordered Logan to supersede Thomas. Everybody knows the intensity of the passion for military glory. General Logan could have carried out his orders, taken advantage of Thomas's dispositions, and won himself one of the most brilliant victories of the war, which would have had a double lustre from the seeming lukewarmness of his predecessor; but when he arrived at the place of operations and learned Thomas's dispositions and the reason for his delay, he became satisfied that the great Fabius was right and wise. His generous nature disdained to profit by the mistake at headquarters and to get glory for himself at the expense of a brave soldier. So he postponed the execution of his orders, and left Thomas in his command. The result was the battle of Nashville and the annihilation of Hood. Where in military story can there be found a brighter page than that? That one act of magnanimous self-denial gave to American history two of its brightest names,—the name of Thomas and the name of Logan.

Another very able member of the House was Thomas A. Jenks of Rhode Island. He never seemed to care much for that field of service, but preferred to enjoy the practice of his profession, in which he was largely employed, and was earning a large income. But he is entitled to honorable memory as the originator and father of the reform of the civil service in this country. He made a very able speech in its favor in 1867 or 1868, which was the beginning of a movement which has been successful, for which I think the public gratitude should be shared between him and Dorman B. Eaton.

Elihu B. Washburn, of Illinois, was appointed Secretary of State by General Grant, whose constant friend and supporter he had been through his whole military career. Washburn was brave, vigorous and far-sighted, a man of great influence in his State and in the House. He was prominently spoken of for the Presidency. But with Grant and Logan as his competitors from his own State, there was not much chance for him. He was afterward Minister to France, and gained great distinction and credit by remaining in Paris throughout the siege, and giving shelter and support to persons who were in danger from the fury of the mob. He earned the gratitude alike of the Germans and the French ecclesiastics.

He was known as the watch dog of the Treasury, when he was in the House. Few questionable claims against the Government could escape his vigilance, or prevail over his formidable opposition. But, one day, a private bill championed by his brother, Cadwallader, passed the House while Elihu kept entirely silent. Somebody called out to the Speaker: "The watch dog don't bark when one of the family goes by."

When I entered the House, William B. Allison, of Iowa, had already acquired great influence there. He manifested there the qualities that have since given him so much distinction in the Senate. He was understood to favor what was called Revenue Reform, and moderation in the exercise of all doubtful national powers.

But his chief distinction has been gained by a service of thirty years in the Senate. He was out of public life two years, and then was elected to the Senate, where he has been kept by the State of Iowa, maintaining the confidence of his State and of his associates in public life. During all that time he has done what no other man in the country, in my judgment, could have done so well. He has been a member of the great Committee on Appropriations for thirty years, most of the time Chairman, and for twenty-six years a member of the Committee on Finance. He has controlled, more than any other man, indeed more than any other ten men, the vast and constantly increasing public expenditure, amounting now to more than 1,000 millions annually. It has been an economical, honest and wise expenditure. He has been compelled in the discharge of his duties to understand the complications and mechanism of public administration and public expenditure. That is a knowledge in which nobody else in the Senate, except Senator Hale of Maine, and Senator Cockrell of Missouri, can compare with him. He has by his wise and moderate counsel drawn the fire from many a wild and dangerous scheme which menaced the public peace and safety.

He almost never takes part in the debates, unless it becomes necessary to explain or defend some measure of which he has charge. It is said that he is very careful not to offend anybody, and that he is unwilling to take responsibilities or to commit himself. There is undoubtedly some truth in that criticism. Indeed if it were otherwise, he would find it very hard to maintain the personal influence necessary to success in the duties to which he is immediately devoted. But he never avoids voting. His name, since he has been Senator, has been first or second alphabetically on the roll of the Senate. He is

found in the Senate Chamber unless engaged in his committee-room on work which requires him to be there during the sessions,—and he always votes when his name is called.

I have never seen any indication that he is interested in anything, or has any special knowledge or accomplishment, except what is necessary to the line of his duty. I do not know that he has any interest in history or literature or science or music. What he does in his time of recreation— if he ever has any time for recreation—I cannot tell. He never seems to take any active interest in any of the questions which determine the action of the party or the destiny of the State, except those that relate to its finances. I use the word finances in the largest sense, including means for raising revenue and maintaining a sound currency, as well as public expenditures. He is like a naval engineer, regulating the head of steam but seldom showing himself on deck. I think he has had a good deal of influence in some perilous times in deciding whether the ship should keep safely on, or should run upon a rock and go to the bottom.

There is a good story told that after Thaddeus Stevens died, a friend of Mr. Blaine's was walking with him one day through the Rotunda of the Capitol toward the House of Representatives. Mr. Blaine said: "The death of Stevens is an emancipation for the Republican Party. He kept the party under his heel." His friend replied: "Whom have you got for leaders left?" Blaine said: "There are three young men coming forward. There is a young man who will be heard from yet." He pointed to Allison, who happened to be just approaching. "James A. Garfield is another." There was a little pause, and his friend said: "Well, who is the third?" Blaine gazed straight up into the dome, and said: "I don't see the third."

I give my estimate of James A. Garfield later in this book.

I think I ought not to leave out of an account of the very able and remarkable Massachusetts delegation in the Congress of 1869 the name of George S. Boutwell, although he remained in the House only a few days after I entered in and is still living. He had been a very faithful, useful and prominent member of the House from the time he entered it in March, 1863, at the middle of the War.

It was the desire of his associates in the House that he should be a Member of General Grant's cabinet. When General Grant's Cabinet was announced the name of Governor Boutwell did not appear, and my brother, Judge Hoar, was nominated for Attorney-General. He had a high opinion of Mr. Boutwell and had been very earnest, so far as he could properly do so, in advocating his original nomination to Congress. In the evening after the Cabinet had been announced Mr. William B. Washburn, afterward Governor, called upon me at my room. Mr. Washburn and I were not then intimate, although we afterward became close friends. He said that he had been requested by the delegation to tell me that they earnestly hoped to Mr. Boutwell might have a place in the Cabinet, and that, although they had great regard for Judge Hoar, they hoped that some arrangement might still be made which would bring about the selection of Mr. Boutwell. I told Mr. Washburn that I was sure that the appointment of Judge Hoar would be a surprise to him, as it was to me, and that I thought it quite doubtful whether he would wish to leave his place on the Bench for a seat in the Cabinet, but that I could not speak for him or judge for him. I telegraphed at once to Judge Hoar not to commit himself in any way until he reached Washington and could see me. I met him at the depot, told him of the communication of the Massachusetts delegation and that, especially considering President Johnson's quarrel with Congress, it seemed quite important that General Grant, who had no experience whatever in political life, should have some person among his counsellors who had the full confidence of the leaders in Congress. The Judge strongly appreciated that view. When he called upon President Grant his first conversation consisted in urging upon him very strongly the selection of Governor Boutwell. He supposed then that it would be quite unlikely that the President would take two men from the same State and supposed that selection would require his own refusal of the offer of the office of Attorney-General. President Grant said that he would think it over and not decide the question that day. The next morning he sent for the Judge and said: "Judge, I think I would like to have you take the oath of office." He handed the Judge his commission. The Judge looked at it and saw that it was not signed. He said: "I think perhaps it would be better if you were to sign it." Grant laughed and complied with the suggestion. Judge Hoar's first official duty was to give an opinion upon the question whether Mr. Stewart, who had been nominated for Secretary of the Treasury, could under the law undertake the office. Mr. Stewart proposed to make some conveyances of his business in trust, by which he should part with his legal title to it while he held the office of Secretary of the Treasury and come back to it again after his term ended. But the Attorney-General advised the President that that was impracticable, and the result was the withdrawal of Mr. Stewart's name and the appointment of Mr. Boutwell a day or two afterward.

I have had some serious difficulties with Mr. Boutwell since he left the Democratic Party after his term of service as Governor. They have, I believe, never been differences of political principle. My differences of opinion with him have been mainly upon the question what individuals were fit to be

trusted with political office and power, and with the leadership in political parties, and upon the question whether certain men and influences were to be tolerated, or whether the public safety required unsparing warfare upon them. So, while we have agreed in general as to policies, we have always had an entirely different set of friends and companions.

Mr. Boutwell has borne an honorable part in our history. His titles to a place in the grateful memory of his countrymen are not likely to be overlooked.

One of them deserves special mention. I am but repeating what I said many years ago. As a leading member of the House of Representatives, and as Secretary of the Treasury under President Grant's Administration, he had, of course, a large influence upon our financial history. He saw very early the importance of devoting every resource of the country to the reduction of the National debt. It was not with him, as I understand it, a question whether a little saving could be made in the way of taxes by postponing the payment until the rate of interest should be less or the National resources greater. He saw that it was important that the people should not get accustomed, as the English people are, to consider a National debt as something that was to continue always. He saw that it was important to the character of the people, as to an individual, that they should be impatient and restless under the obligation of debt, and should consider it alike the Nation's first duty and its greatest pride and luxury to get rid of the burden. This has always been the temper of the State of Massachusetts, of her towns, and, in general, of her citizens.

Accordingly he insisted that the debt should be reduced so rapidly that the people would take pride in having paid it, and would be relieved from the temptation of listening to the specious and seductive arguments of persons contriving dishonest methods of getting rid of it by issuing fiat money, or any device of direct or indirect repudiation. Many persons can remember in what dangerous forms this temptation came, and how many men, who otherwise deserve to be held in high esteem, yielded to it wholly or partly. Mr. Boutwell's powerful influence was a very important factor in attaining the result in which we all now take so much satisfaction, and keeping the American people in the path of duty and honor.

William A. Wheeler, of New York, entered the House in 1869. I soon became very well acquainted with him, an acquaintance which ripened into a very intimate friendship. He was a very serious, simple-hearted and wise man. There was no man in his time who had more influence in the House. His ancestors dwelt in my native town of Concord in the early generations, and in Lincoln, which had been part of Concord. One of the family emigrated to Vermont. Wheeler's father went from Vermont to Malone, New York, where he was born, and where he was left by his father an orphan in very early youth. The widow and children were without any property whatever, but got along somehow. Wheeler got an education, spending two or three years in college, and became the foremost man in his part of New York. The people of his district were in character and way of thinking very much like our best Massachusetts constituencies. Wheeler had little respect for the devious and self-seeking politics which are supposed to have been needed for success in that State. He very much disliked Roscoe Conkling, and all his ways. Conkling once said to him: "Wheeler, if you will join us and act with us, there is nothing in the gift of the State of New York to which you may not reasonably aspire." To which Wheeler replied: "Mr. Conkling, there is nothing in the gift of the State of New York which will compensate me for the forfeiture of my own self respect."

Mr. Wheeler was one of the sub-committee, of whom Mr. Frye and myself were the other two Republican members, to inquire into the condition of the legality of the Kellogg State Government of Louisiana. He suggested what is known as the Wheeler compromise, the acceptance of which by both sides was due to his influence and capacity for conciliation. The compromise consisted in an agreement to allow the Republican State officers to remain in office during the remainder of their terms, without turbulent or factious opposition, to submit quietly to their authority on the one hand, and that the two Houses of the Legislature, on the other hand, should seat the Democratic contestants whom our sub-committee found entitled to their seats. This compromise in reality gave effect to the opinion of the committee, as if they had been a tribunal of arbitration. Of course they had no authority to enforce their opinion against the objection of either party.

As soon as the nomination of President Hayes was declared in the Convention of 1876, I spent a very busy hour in going about among the delegates whom I knew, especially those from the Southern States, to urge upon them the name of Mr. Wheeler as a suitable person for Vice-President. I have no doubt I secured for him his election. Mr. James Russell Lowell was a Massachusetts delegate. He was a little unwilling to vote for a person of whom he had no more knowledge. I said to him: "Mr. Lowell, Mr. Wheeler is a very sensible man. He knows the 'Biglow Papers' by heart." Lowell gave no promise in reply. But I happened to overhear him, as he sat behind me, saying to James Freeman Clarke, I think it was: "I understand that Mr. Wheeler is 'a very sensible man.'"

Wheeler was one of the best parliamentarians and one of the best presiding officers I ever knew. He had no children. It is pathetic to remember the affection which existed between him and his wife. Their long living together had brought about a curious resemblance. She looked like him, talked like him, thought like him, and if she had been dressed in his clothes, or he had been in hers, either might have passed for the other. When she died Wheeler seemed to lose all interest in this world, shut himself off from all ordinary activities, and died a year or two after, I suppose with a broken heart.

CHAPTER XVI POLITICAL CONDITIONS IN 1869

When the Republican Party came into power in 1869 under its great and simple-hearted President, it found itself confronted with very serious duties. They were enough to fill ordinary men in ordinary times with dismay. The President was without political experience. He had never held civil office. He had voted but twice in his life. He had voted the Whig ticket once and the Democratic ticket once. So he could not justly be charged with being an offensive partisan. He had no experience in business except in a humble way and in that he had been unfortunate. Congress and the President could only act under the restraint of a written Constitution. Everything done by either must pass the ordeal of the Supreme Court, a majority of whose members then had no sympathy with a liberal interpretation of the National powers. The Chief Justice had been a great Republican leader. But he had quarrelled with Lincoln, and was an eager aspirant for the Democratic nomination for the Presidency.

Of the eight years after the inauguration of Lincoln more than four had been years of actual war and more than five passed before formal declaration of peace. During all this time nothing could be considered but the preservation of the Union. From the end of the War to the accession of President Grant, Congress and the President had been engaged in a struggle with each other for power. President Johnson had been impeached and put on trial before the Senate. So there could be no important legislation from the summer of 1866 until March, 1869, that did not command the assent of two thirds of both Houses.

Yet the feeling everywhere among the Republicans in Washington and throughout the North was of exultant and confident courage. The strength of the Nation had been tried and not found wanting. It had overthrown a mighty rebellion. The burden of slavery, which had hung like a millstone about the neck of the Republic, had been thrown off. Congress had been triumphant in its contest with the President. The loyal people of the country looked to Grant with an almost superstitious hope. They were prepared to expect almost any miracle from the great genius who had subdued the rebellion, and conducted without failure military operations on a scale of which the world up to that time had had no experience. So the dominant party addressed itself without fear to the great work before it.

They had to determine on what conditions the States that had been in rebellion should come back to their place under the Constitution.

They were to determine on what terms the men who had taken part in the rebellion should be fully restored to citizenship.

They were to determine the civil and political condition of more than five million people just set free from slavery.

They were to secure fair elections in fifteen States, where for many years neither free elections nor free speech had been tolerated.

If they could, they were to reconcile the North and the South, estranged by a strife so bitter that even before the War the life of no Northern man who dared to utter Northern opinions was safe in half the States of the country, and which had been intensified by four years of bloody war—bellum plus quam civile—which had left nearly every household in the country mourning for its dead.

They were to confront the greatest temptation that ever besets men of Anglo-Saxon race, a race ever restless and ever hungry for empire. Hungry eyes were already bent on San Domingo and Cuba. Good men were rendered uneasy by the tales of Spanish oppression in Cuba. Men who were looking for the union of the two oceans by a canal across the Isthmus, or who hoped that we should extend our dominion in this continent southward, looked upon the island belonging to the Negro Republics of Hayti and San Domingo as a desirable addition to our military and naval strength.

They were to provide for the payment of an enormous debt.

They were to accomplish the resumption of specie payment.

They were to consider and determine anew the question of currency. What should be the standard of value and a legal tender for the payment of debts?

They were to get rid of the vast burden of war taxes which pressed heavily upon all branches of business.

They were to decide whether the duties on imports which had been laid to meet the heavy cost of war should be kept in peace and whether to follow the counsel of Hamilton and his associates in the first Administration of Washington, or the counsel of the free traders and the English school of political economics, in determining whether American industry should be protected.

The people felt that they had suffered a grievous wrong from England, and that unless there were reparation, which England had so far steadily refused either to make or consider, the honor of the country required that we should exact it by war.

The emigrants from foreign lands who had come to our shores in vast numbers, and were coming in rapidly increasing numbers, were made uneasy by the doctrine of perpetual allegiance on which all Europe insisted. They claimed that they were entitled to protection like native-born American citizens everywhere on the face of the earth.

The number of civil officers appointed by the Executive had largely increased. This put an undue and most dangerous power into the hands of the party controlling the Government. There was a strong feeling that this should be checked.

Besides; during the controversy with Andrew Johnson the members of the two Houses of Congress had come to think that they were entitled to control all appointments of civil officers in their own States and Districts, and they were ready with scarce an exception to stand by each other in this demand. They had passed, over the veto of President Johnson, an act of disputed and quite doubtful constitutionality, seriously crippling the Executive power of removal from office, without which the President's constitutional duty to see that the laws are faithfully executed cannot be performed. So each Senator and Representative was followed like a Highland Chieftain "with his tail on," by a band of retainers devoted to his political fortunes, dependent upon him for their own, but supported at the public charge.

This not only threatened the freedom of election, but itself brought a corrupting influence into the Administration of the Government.

But there was a still greater danger than all these in the corruption which then, as always, followed a great war. Unprincipled and greedy men sought to get contracts and jobs from the Government by the aid of influential politicians. This aid they paid for sometimes, though I think rarely, in money, and in contributions to political campaigns, and in the various kinds of assistance necessary to maintain in power the men to whom they were so indebted. This corruption not only affected all branches of the Civil Service, especially the War and the Navy and the Treasury, but poisoned legislation itself.

They had to deal with claims amounting to hundreds of millions of dollars, some wholly fraudulent, some grossly exaggerated and some entirely just. Some of these belonged to persons who had contracts with the Government for constructing and supplying a powerful Navy, or for supplies to the Army. There were demands still larger in amount from the inhabitants of the territory which had been the theatre of the War. This class of claims was wholly new in the history of our own country. There were few precedents for dealing with them in the experience of other countries, and the Law of Nations and the law of war furnished imperfect guides.

Men wounded or disabled in the Military or Naval Service, and their widows and orphans, were to be provided for by a liberal pension system.

These were a part only of the questions that must be studied and understood, under the gravest personal responsibility by every member of either House of Congress. Under the Administration of Grant and those that succeeded, of course, there was a constant struggle on the part of the party in power to keep in power and on the part of its opponent to get power. So that it was necessary that a Representative or Senator who would do his duty, or who had the ordinary ambition, or desired that the counsel best for the country should prevail, should master these subjects and take a large part in discussing and advocating the policy of his party.

During the thirty-two years from the 4th of March, 1869, to the 4th of March, 1901, the Democratic Party held the Executive power of the country for eight years. For nearly four years more Andrew Johnson had a bitter quarrel with the Republican leaders in both Houses of Congress. For six years the Democrats controlled the Senate. For sixteen years they controlled the House of Representatives. There is left on the Statute Book no trace of any Democratic legislation during this whole period except the repeal of the laws intended to secure honest elections. The two Administrations of President Cleveland are remembered by the business men and the laboring men of the country only as terrible

nightmares. Whatever has been accomplished in this period, which seems to me the most brilliant period in legislative history of any country in the world, has been accomplished by the Republican Party over Democratic opposition. The failure to secure honest National elections and the political and civil rights of the colored people is the failure of the Republican Party and the success of its Democratic antagonist. With that exception, to all the problems which confronted the country in 1869 the Republican Party has given a simple, wise, final and most successful solution. It has done it not only without help, but over the constant opposition of its Democratic antagonist.

Every State that went into the Rebellion has been restored to its place in the Union.

There has been complete and universal amnesty. No man has been punished for his share in the Rebellion.

In spite of dishonest and subtle counsel, and in spite of great temptation, we have dealt with the public debt on the simple and honest principle that the only thing to do with a debt is to pay it. The National credit is the best in the world, and the National debt has ceased to be an object either of anxiety or consideration.

Specie payments have been resumed. Every dollar issued by the Government, or by national banks under government authority, passes current like gold. Indeed the ease with which it can be transported and the certainty of its redemption makes the paper money of the United States better than gold.

The United States has joined the commercial nations of the first rank in making gold the world's standard of value. In doing this we have never departed from the theoretical principle of bimetallism as announced by Hamilton and Washington and Webster and all our statesmen without exception down to 1869. The contest was an exceedingly close one. The arguments in support of the free coinage of silver were specious and dangerous. Undoubtedly for a time, and more than once, they converted a majority of the American people. The battle for honest money would have been lost but for the wisdom of the Republican statesmen who planted the party not only upon the doctrine of theoretical bimetallism, but also upon the doctrine that the question of the standard of value must be settled by the concurrence of the commercial nations of the world and that if there were to be one metal as a standard, gold, the most valuable metal, was the fittest for the purpose. That was the doctrine of Alexander Hamilton. To have avowed any other principle would have reinforced our opponents with the powerful authority of Hamilton and all his disciples down to the year 1873.

The war taxes have been abolished. The weight of the burden which has been in that way lifted from the shoulders of the people may perhaps be understood from the statement of a single fact. The Worcester District, which I represented, paid in the direct form of taxes to the National Treasury the enormous sum of \$3,662,727 for the year ending June 30, 1866. For the year ending June 30, 1871, the taxes so paid amounted in all to \$225,000, and for the year ending June 30, 1872, they amounted to about \$100,000.

The policy of protection to American industry, which, like the question of honest elections, has been always in contest between the Republican Party and its Democratic antagonist has, unless during the two Administrations of President Cleveland, been successfully maintained. As a consequence of that policy our manufacturing independence has been achieved. The United States has become the foremost manufacturing nation in the world. We are penetrating foreign markets, and have built up a domestic commerce, the like of which has never been seen before, and whose extent surpasses the power of human imagination to conceive and almost of mathematics to calculate.

The temptation to extend our territory by unlawful exercise of power over Cuba and San Domingo was resisted by the American people. Cuba has been liberated and has taken her place among the free nations of the world.

For the great offence committed against us by Great Britain in the hour of our peril we have exacted apology and reparation. There were not wanting counsellors enough to urge the American people that we should nurse this grievance and lie in wait until the hour for our revenge should come. But the magnanimous American people preferred peace and reconciliation to revenge. I ought to except this from the list of achievements due to the Republican Party alone. In the matter of the British Treaty, the Democratic leaders contributed their full share to its successful accomplishment. Mr. Justice Nelson of the United States Supreme Court was a distinguished member of the Commission that made the Treaty.

Under General Grant's Administration treaties were negotiated with nearly all the great powers of the world by which they renounced the old doctrine of perpetual allegiance, and the American citizen of foreign birth is clothed with all the rights and privileges of a native-born citizen wherever on the face of the earth he may go.

The vast number of the National offices has ceased to be a menace to the safety of the Republic and has ceased to be a source of strength to the Administration in power, or to become the price or reward of political activity. The offices of trust and profit now exist to serve the people and not to bribe them.

The conflict between the Senate and the Executive which arose in the time of Andrew Johnson, when Congress undertook to hamper and restrict the President's Constitutional power of removal from office, without which his Constitutional duty of seeing that the laws are faithfully executed cannot be performed, has been settled by a return to the ancient principle established in Washington's first Administration.

The vast claims upon the Treasury growing out of the war have been dealt with upon wise and simple principles which have commanded general assent and in the main have resulted in doing full justice both to the Government and to the claimant.

A disputed title to the Executive power which threatened to bring on another civil war, and which would not have been settled without bloodshed in any other country, has been peacefully and quietly disposed of by the simple mechanism devised for the occasion and by the enactment of a rule which will protect the country against a like danger in the future.

With all these matters I have had something to do.

As to some of them my part has been a very humble one. As to others I have had a part of considerable prominence. As to all I have had full and intimate knowledge at the time and have been in the intimate counsel of the men who were responsible for the result.

Beside all these things there has been during a large part of my public service, especially the part immediately following the Civil War, a battle to maintain the purity of elections and the purity of administration and government expenditure against corruption. The attempt to get possession of the forces of the Government for corrupt purposes assumed its most dangerous form and had its most unscrupulous and dangerous leader in Massachusetts. It was my fortune to have a good deal to do with maintaining the ancient honor of the Commonwealth and defending and vindicating the purity of her political organization.

Upon all these matters I formed my opinions carefully in the beginning. I have adhered to those opinions, and acted on them throughout. I formed them in many cases when they were shared by a few persons only. But they have made their way, and prevail. They are the opinions upon which the majority of the American people have acted, and the reasons which have controlled that action, seem to me now, in looking backward, to have been good reasons. I have no regret, and no desire to blot out anything I have said or done, or to change any vote I have given.

The duties of a Representative and Senator demand a large correspondence. I have had always the aid of intelligent and competent secretaries. Disposing of the day's mail, even with such aid, is not infrequently a hard day's work, especially for a man past three score and ten.

Political campaigns in Massachusetts with its small territory and compact population are easy as compared with most of the other States. But I have been expected every second year to make many political speeches, commonly from thirty to forty. Mr. Blaine, and Mr. Fry, and Mr. Reed, and a great many others who could be named, were called on for a much larger number. A man at all prominent in public affairs is also expected to give utterance to the voice of the people on all great occasions of joy or sorrow, at high festivals, or at colleges and schools, on great National anniversaries, when great men die and great historical events are celebrated. So it was a life of hard work upon which I entered when I took my seat in the House of Representatives on the 4th of March, 1869. The thirty-four years that have followed have been for me years of incessant labor.

CHAPTER XVII RECONSTRUCTION

The reconstruction policy of the Republican Party has been bitterly denounced. Some men who supported it are in the habit now of calling it a failure. It never commanded in its fullest extent the cordial support of the whole party. But it was very simple. So far as it applied to the Southern whites who had been in rebellion it consisted only of complete amnesty and full restoration to political rights. No man was ever punished for taking part in the rebellion after he laid down his arms. There is no other instance of such magnanimity in history. The War left behind it little bitterness in the hearts of the conquerors. All they demanded of the conquered was submission in good faith to the law of the land and the will of the people as it might be constitutionally declared.

Their policy toward the colored people was simply the application to them of the principles applied to the whites, as set forth in the Declaration of Independence and in the Constitution of nearly every State

in the Union. There was to be no distinction in political rights by reason of color or race. The States were left to regulate such qualifications as residence, character, intelligence, education and property as they saw fit, only subject to the condition that they were to apply to all alike.

It was the purpose of the dominant party to leave the control of the election of national officers, as it had been left from the beginning, in the hands of the local or State authorities. The power was claimed, indeed it is clearly given by the Constitution, as was asserted in the debates in the Convention that framed it, to conduct those elections under National authority, if it should be found by experience to be necessary. But in fact there was at no time any attempt to go further with National election laws than to provide for punishment of fraudulent or violent interference with elections or for a sufficient provision to ascertain that they were properly conducted, or to protect them against violence or fraud.

Beside this it was the desire of many Republican leaders, especially of Mr. Sumner and General Grant, that there should be a provision at the National charge for the education of all the citizens in the Southern States, black and white, so far as the States were unable or unwilling to afford it, such as had been provided for in the States of the North for all their citizens. It was never contemplated by them to give the right to vote to a large number of illiterate citizens, without ample provision for their education at the public charge. General Grant accompanied his official announcement to Congress of the adoption of the Fifteenth Amendment with an earnest recommendation of such a provision. Earnest efforts were made to accomplish this result by liberal grants from the National treasury. Many liberal and patriotic Southern Democrats supported it. But it was defeated by the timidity, or mistaken notions of economy, of Northern statesmen. In my opinion this defeat accounts for the failure of the policy of reconstruction so far as it has failed. I do not believe that self-government with universal suffrage could be maintained long in any Northern State, or in any country in the world, without ample provision for public education.

It has been claimed with great sincerity and not without plausible reason that a great hardship and wrong was inflicted by the victorious North on their fellow citizens when the political power in their States was given over to their former slaves. This consideration had great force in the minds of many influential Republicans in the North. Governor Andrew of Massachusetts, Governor Morton of Indiana, afterward Senator, men whose influence was probably unsurpassed by any other two men in the country, save Grant and Sumner alone, were of that way of thinking. They thought that our true policy was to let the men who had led their States into the Rebellion take the responsibility of restoring them to their old relations.

It is not unlikely that the strength of the Republican Party would have been seriously impaired, perhaps overthrown, by the division of sentiment on this subject. But the white Democrats in the South were blind to their own interest. President Johnson permitted them in several States to take into their hands again the power of government. They proceeded to pass laws which if carried out would have had the effect of reducing the negro once more to a condition of practical slavery. Men were to be sold for the crime of being out of work. Their old masters were to have the preference in the purchase. So the whole Republican Party of the North came to be united in the belief that there could be no security for the liberty of the freedman without the ballot.

It is said that this reconstruction policy has been a failure. Undoubtedly it has not gained all that was hoped for it by its advocates. But looking back now I do not believe that any other policy would have done as well as that has done, although a large part of what was designed by the Republican leaders of the period of reconstruction never was accomplished.

A complete system of education at the National charge was an essential element of the reconstruction policy. It was earnestly advocated by Sumner and by Grant and by Edmunds and by Evarts. But there were other Republicans of great influence who resisted it from the beginning. Among these was Senator Eugene Hale of Maine, a very accomplished Senator, an able debater and a man of large influence with his colleagues. His public life has been one of great distinction and usefulness. While an earnest partisan he has given an example of independence of action on several notable occasions. But he always seemed to be possessed by what seems to prevail among the Republicans of Maine to a great extent, dislike for what is called sentimental politics. Mr. Hale always seemed to think that the chief function of Congress was to provide for an honest, economical, wise and at the same time liberal public expenditure, to keep in the old paths and leave other matters alone. He dislikes new doctrines and new policies. He is specially adverse to anything like legal restraint. He once in my hearing used a very felicitous phrase, full of wisdom, "Government by good nature." John Sherman, who had originally been an earnest advocate of a liberal National expenditure for education, joined the ranks of its opponents, putting his opposition largely on the ground that he was unwilling to trust the Southern states with the expenditure of large sums of money. He feared that the money would not be fairly expended, as between the two races, and that it would be made a large corruption fund for political purposes.

So this most essential part of the reconstruction policy of Sumner and Grant never took effect. Mr. Sumner deemed this matter vital to success. He told me about a week before his death that when the resolution declaring the provision for public education at the National charge an essential part of the reconstruction policy, was defeated in the Senate by a tie vote, he was so overcome by his feelings that he burst into tears and left the Senate Chamber.

Another part of the Republican plan for reconstruction was never accomplished. That was the securing of a fair vote and a fair ascertainment of the result in National elections by National power. Some partial and imperfect attempts were made to put in force laws intended to accomplish this result. They never went farther than enactments designed to maintain order at the polls, to secure the voter from actual violence, and to provide for such scrutiny as to make it clear that the vote was duly counted and properly returned, with a right of appeal to the Courts of the United States in case of a contest, the decision of the Court to be subject to the final authority of the House of Representatives. These laws, although they had the support of eminent and zealous Democrats and although they were as much needed and had as much application to the Northern cities as to the Southern States, were the object of bitter denunciation from the beginning. Good men in the North listened with incredulity to the narrative of well established facts of cruelty and murder and fraud. These stories were indignantly denied at the time, although they are not only confessed, but vauntingly and triumphantly affirmed now. The whole country seems to be made uneasy when the old practice to which it had been accustomed everywhere of having offences tried by a jury taken by lot from the people of the neighborhood, and the result of election ascertained by officers selected from the bystanders at the polls, is departed from. Besides, no strictness of laws which provide only for the proceedings at the elections will secure their freedom if it be possible to intimidate the voters, especially men like the colored voters at the South, from attending the elections, by threats, outrages and actual violence at their homes. Against these the election laws could not guard. Congress attempted some laws to secure the Southern Republicans against such crimes under the authority conferred by the Fourteenth Amendment to the Constitution. But the Supreme Court held that these laws were unconstitutional, it not appearing that the States had by any affirmative action denied protection against such offences to any class of their citizens by reason of race, color, or previous condition. It was idle to expect Southern jurors, or State officers to enforce the law against such crimes in the condition of sentiment existing there.

Further, the people of the North would not maintain the Republican Party in power forever on this one issue alone. They were interested in other things. They could not be expected, year after year, election after election, and perhaps generation after generation, to hold together by reason of this one question, differing on other things. So whenever the Democratic Party should come into power it was apparent that all the vigor would be taken out of the election laws. If there be not power to repeal them the House of Representatives can always refuse to make the appropriation for enforcing them. So it became clear to my mind, and to the minds of many other Republicans, that it was better to leave this matter to the returning and growing sense of justice of the people of the South than to have laws on this subject passed in one Administration, only to be repealed in another. A policy to be effective must be permanent. I accordingly announced in the Senate after the defeat of the Elections Bill in 1894 that in my judgment it would not be wise to renew the attempt to control National election by National authority until both parties in the country should agree upon that subject.

We should have had little difficulty in dealing with the Negro or the Indian, or the Oriental, if the American people had applied to them, as the Golden Rule requires, the principles they expect to apply and to have applied to themselves. We have never understood that in some essential matters human nature is the same in men of all colors and races. Our Fathers of the time of the Revolution understood this matter better than we do. The difficult problems in our national politics at this hour will nearly all of them be solved if the people will adhere to rules of conduct imposed as restraints in the early constitutions. The sublimity of the principle of self-government does not consist wholly or chiefly in the idea that self is the person who governs, but quite as much in the doctrine that self is the person who is governed. How our race troubles would disappear if the dominant Saxon would but obey, in his treatment of the weaker races, the authority of the fundamental laws on which his own institutions rest! The problem of to-day is not how to convert the heathen from heathenism, it is how to convert the Christian from heathenism; not to teach the physician to heal the patient, but to heal himself. The Indian problem is not chiefly how to teach the Indian to be less savage in his treatment of the Saxon, but the Saxon to be less savage in his treatment of the Indian. The Chinese problem is not how to keep Chinese laborers out of California, but how to keep Chinese politics out of Congress. The negro question will be settled when the education of the white man is complete.

We make every allowance for ourselves. We expect mankind to make every allowance for us. We expect to be forgiven for our own wrong-doing. We easily forgive our own white fellow citizens for the unutterable and terrible cruelties they have committed on men of other races. But if a people just

coming out of slavery or barbarism commit a hundredth part of the same offence our righteous indignation knows no bounds. We have no recognition for their eager desire for civilization or for liberty, no generous appreciation of their improvement and promise. And the thousand things in them that give promise of good in the future are disregarded if there be any trace left in them of the old barbarism.

Has Reconstruction been a failure? Let us see about that. We must remember that the relations of the black and white races to each other, which have existed almost from the foundation of the world, cannot be changed in a single generation. It is but thirty-three years since General Grant and the two Houses of Congress, in political accord with him and with each other, took possession of the Government. That possession has been interrupted more than once. It is but forty years since slavery was abolished. It is less than thirty years since the last of the three great Amendments to the Constitution took effect. What has happened in that time? Slavery has been abolished. That is not a failure. The negro owns his right to his own labor. He cannot be separated from his wife or children. He is not prevented by law from learning to read the Bible. These things are not failures. He can own land. He has schools and colleges. The young colored man is received as an equal into nearly every Northern college and university. He has frequently taken the highest university honors. I suppose he does not know, from the behavior of his companions, that they think of the difference between the color of his skin and theirs. His right to vote is secure in thirty-four of the forty-five States of the Union. So far, there has been no failure. When the Civil War broke out, there were fifteen slave States and sixteen free States. In Maryland, Delaware, and West Virginia the negro seems to have his place now like other citizens. The same thing probably is true in St. Louis, and likely to be true before long throughout Missouri. There are thirty States out of forty-five, and there will before long probably be thirty-five out of fifty in which the old race feeling, growing out of slavery has never got a hold. The old race-hatred of the negro is getting into a corner. So far reconstruction has not been a failure.

Two things are not yet accomplished. There are eleven States in which the negro is not yet secure in his political rights; and there are as many, and perhaps two or three more, in which if he be suspected of a crime of the first magnitude, he is likely to undergo a cruel death, without a trial. That would have been quite as likely, indeed a good deal more likely to have happened, if the reconstruction measures had never been enacted.

It is a bad thing that any man who has the Constitutional right to vote should fail to have his vote received and counted. But I think it is a fair question whether the existence of this condition throughout so large a country, with the prospect that slowly and gradually as the negro improves he will get his rights, be not better than the alternative which must have been his reduction to slavery again, or what is nearly as bad, a race of peons in this country. That is the question into the answer of which so much prejudice enters that it is hardly worth while to reason about it. My opinion is that as the colored man gets land, becomes chaste, frugal, temperate, industrious, veracious, that he will gradually acquire respect, and will attain political equality. Let us not be in a hurry. Evils, if they be evils, which have existed from the foundation of the world, are not to be cured in the lifetime of a single man. The men of the day of reconstruction were controlled by the irresistible logic of events; by a power higher than their own. I could see no alternative then, and I see no alternative now, better than that which was adopted.

CHAPTER XVIII COMMITTEE SERVICE IN THE HOUSE

The career of a Member of either House of Congress is determined, except in rare cases, by his assignment to Committees. In the House that is wholly dependent on the favor of the Speaker. In the Senate those assignments are made by Committees of the two parties, chosen for the purpose, who first agree on the representation to be assigned to each. After the Senator has been assigned to a Committee he remains there unless he himself desire a change, and if the Members older in the service retire he succeeds in the end to the Chairmanship of the Committee. There has been no instance of a departure from this rule, except when there is a change in the political control of the body, and no instance of deposing a Member from a Committee without his consent, except the single and well-known case of Mr. Sumner.

I was always on friendly terms with Mr. Blaine during my entire service of eight years in the House of Representatives. But I owed nothing to any favor of his in the matter of Committee assignments. When I entered the service I was put on the Committee of Education and Labor and on the Committee of Revision of the Laws, both obscure and unimportant. In my second term I served a little while on the Committee on Elections. I was also placed on the Committee of Railroad and Canals. I was made Chairman of a special Committee to visit Louisiana and inquire into the legality of what was called the Kellogg Government and report whether Governor Kellogg or his Democratic rival should be recognized as the lawful Governor of Louisiana. I was afterward placed on the Judiciary Committee, a

position of great honor, which I liked very much.

With the exception of the last none of these appointments had any attraction for me. They were all out of the line of my previous experience in life and the service they required of me was disagreeable. I was placed on the Committee on the Judiciary by Mr. Speaker Kerr, a Democrat. Mr. Blaine at this time very earnestly pressed Mr. Martin I. Townsend of New York for the place. I do not conceive that I had any right to complain of Mr. Blaine in this matter. I never made any request of him for any appointment within his gift and he was beset behind and before by the demands of men he was unable to gratify, to many of whom he conceived himself under great obligation. It should be stated too that in Mr. Blaine's time the Members from Massachusetts older in the service than myself had very important places indeed. So it was hardly just to increase the number of important Committee appointments from our State.

But it happened to me by great good fortune that I had an opportunity, of which I was very glad, to accomplish something by reason of my place on each Committee on which I served, which I could not have accomplished without it.

An amusing piece of good fortune happened to me at the beginning of my service. I was placed, as I said, on the Committee on the Revision of the Laws. My law practice had been in the interior of the Commonwealth. So I had little knowledge of United States jurisprudence. I determined in order to fit myself for my new duties to make a careful study of the statutes and law administered in the United States Courts. I took with me to Washington a complete set of the Reports of the Supreme Court of the United States and purchased Abbott's Digest of those decisions, then just published. The first evening after I got settled I spent in reading the opinions of the Supreme Court. I took the Digest beginning with the letter A, reading the abstracts, and then reading the cases referred to. I got as far as Adm and read the cases relating to admiralty practice. The next morning the Speaker announced his Committees and the House adjourned. After the adjournment, Judge Poland, Chairman of the Committee on the Revision of the Laws, called the Committee together and laid before them a letter he had just received from Mr. Justice Miller of the Supreme Court, asking for a change in the law in regard to monitions for summoning defendants in Admiralty. The change had been made necessary by some recent decisions of the Court. The other members of the Committee looked at each other in dismay. None of them was familiar with the question, or knew at all what it was all about. I then stated to them the difficulty, giving them the names of the cases and the volumes where they were found. They were all quite astonished to find a man from the country, of whom probably none of them had ever heard before, having the law of Admiralty at his tongue's end. If the question had related to anything in the Digest under Adr, or anything thereafter, I should have been found probably more ignorant than they were. But Judge Poland took me into high favor, and I found his friendship exceedingly agreeable and valuable. I do not remember that the Committee on the Revision of the Laws had another meeting while I belonged to it.

I was also, as I have said, put on the Committee of Education and Labor. The Bureau of Education had been lately established and the Commissioner appointed. But the office was exceedingly unpopular, not only with the old Democrats and the Strict Constructionists, who insisted on leaving such things to the States, but with a large class of Republicans. A very zealous attack was made on the Bureau, led by Mr. Farnsworth of Illinois, and by Cadwallader C. Washburn, a very able and influential Republican from Wisconsin. The Committee on Appropriations, of which my colleague, Mr. Dawes, was Chairman, reported a provision for abolishing this Bureau. Mr. Dawes, himself, however, dissented. The Republicans on the Committee of Education and Labor took up the cudgels for the Bureau. We beat the Committee of Appropriations. The result of the strife was that the Bureau was put on a firmer footing with a more liberal provision, and it has since been, under General Eaton and Dr. Harris, the accomplished and devoted Commissioners, of very great and valuable service to the country.

That led me to give special study to the matter of National education. I introduced a bill for establishing an education system by National authority in States which failed to do it themselves. Later, I introduced and carried through the House a measure for distributing the proceeds of the public land and sums received from patents and some other special funds, among all the States in aid of the common schools. This bill passed the House, but was lost in the Senate mainly because Senator Morrill of Vermont, a most excellent and influential statesman, insisted that the money should go to the agricultural colleges, in which he took great interest, and not to common schools. Later when I became a member of the Senate I succeeded in getting a like measure twice through the Senate. But it failed in the House. So the two Houses never agreed upon it. But the movement and discussion aroused public attention throughout the country and were of great value.

While I was on that Committee, I think during my second term, there was referred to it a bill to rebuild William and Mary College in Virginia. The principal building of that College had been destroyed by fire. The Union and Rebel forces had fought for possession of it. It had been held by the Union

soldiers and a court martial was sitting there when it was attacked by the other side and the Union men driven out, and the insurgents held the building for a few hours. They abandoned it very soon. But before the Union soldiers had got back in force some stragglers set fire to the building. It was totally destroyed.

William and Mary was the oldest college in the country, except Harvard. It numbered among its children many famous statesmen, including Jefferson, Marshall, Peyton Randolph, and Monroe. Washington was its Chancellor for twelve years. Its graduates loved it ardently. I came to the conclusion that it would tend very much to restore the old affectionate feeling between the States to rebuild this College without inquiring too strictly into the merits of the case, as tested by any strict principle of law. I accordingly reported and advocated a bill for appropriating sixty or seventy thousand dollars to rebuild the College. Afterward, when on the Committee of Claims in the Senate, I advocated extending the same principle to all colleges, schools and other institutions of education and charity destroyed by the operations of the War without regard to the question who was in fault. This policy was, after a good deal of opposition and resistance, successfully carried out.

But the William and Mary College Bill was reported at the time when the passions excited by the War were still burning in the breasts of many Republican statesmen. The measure was received with derision. I was hardly allowed to go on with my speech in order, and the ordinary courtesy of a brief extension of time to finish it was refused amid great clamor. But I got the Bill through the House the next winter. I had a powerful ally in Mr. Perce of Mississippi, a Northern soldier, who had settled in that State after the War. It was not considered in the Senate. The measure was renewed again later in the House. But it was bitterly attacked by Mr. Reed of Maine, afterward Speaker, and defeated. Afterward I succeeded in getting it through the Senate when the Democrats had possession of the House, during the Administration of President Harrison, and it became a law.

I have been assured by many Southern men that that measure, and the report and speech in which I advocated it, had a very strong and wide influence in restoring good feeling toward the Union in the minds of the people of Virginia. Several of the graduates of William and Mary who afterward became Republicans have assured me of this with great emphasis. I was much pleased to get the following letter from Governor Henry A. Wise, the eminent Virginia statesman, who was, with two or three exceptions, the most powerful and influential advocate of secession in the South.

RICHMOND VA
Feby 13th 1872.
HON MR HOAR
OF MASSTS.

Honored Sir.

I write for no reason but one of pure feeling of respect— not even for a reply. I am a visitor of Wm and Mary College —truly of the most venerable of the "Mothers of Thought" —and have read your excellent appeal to the H. Reps: in her behalf. It was worthy of that Grand old Comth, Massts, the elder sister of this once glorious Comth, which hailed her heartily in the Night of Revolution against Tyrrany. It was worthy of sweet memories—worthy of Letters—it was pious and patriotic. Let me just add a sentence more, to say that if Rebellion and Sectional Hate are to be eradicated— and I hope they are —*that is the way to do it.* Your speech & the passage of such bills, catholic in every sense of love & charity, will do more to heal our Country's wounds than all the caustic of reconstruction which can be applied.

With unaffected gratitude for your Speech, I pray you will not pause upon it, but keep the bill to its passage through both Houses of Congress. I know you would if you could see the destitution of instruction, and the poverty which cant pay for it, on the Consecrated peninsula of Jas Town, York Town, and Williamsburg. Ah! tear down every parapet of War— cruel War, wanton war call it if you will —but for the Past, for Piety's sake, for Learning and Moral's sake let Old Wm & Mary stand a Beacon Light for the guide of the Future.

Very sincerely
Yrs
HENRY A. WISE

Governor Wise had a very conspicuous career in the United States House of Representatives. He was a very zealous supporter of the Southern doctrine before the War. He was regarded as a good deal of a fire eater. He was Governor of Virginia when John Brown was executed. But in spite of the horror and indignation that the people of the South felt for John Brown's raid he did full justice to the heroic quality of the man. He declared him "the gamest man" he ever saw.

I served in my second term on the Committee on Elections under the Chairmanship of George W. McCrary. Election cases in the House up to that time were, as they always were in the English House of Commons and as they have been too often in the Senate, determined entirely by party feeling. Whenever there was a plausible reason for making a contest the dominant party in the House almost always awarded the seat to the man of its own side. There is a well-authenticated story of Thaddeus Stevens, that going into the room of the Committee of Elections, of which he was a member, he found a hearing going on. He asked one of his Republican colleagues what was the point in the case. "There is not much point to it" was the answer. "They are both damned scoundrels." "Well," said Stevens, "which is the Republican damned scoundrel? I want to go for the Republican damned scoundrel."

We had a good many contests. But the Committee determined to settle all the questions before it as they would if they were judges in a court of justice. The powerful influence of Mr. McCrary, the Chairman, aided largely to bring about that result. The Democratic minority soon discovered that we were sincere and in earnest. They met us in a like spirit. I believe the Committee on Elections during that Congress reported on every case with absolute impartiality, and the House followed their lead. I formed a very pleasant friendship on that Committee with Judge William M. Merrick, a Maryland Democrat, who had made himself very much disliked by the Republican authorities during the War because of his supposed sympathy with Rebellion. I do not think he sympathized with the Rebellion. But he construed the Constitution very strictly and was opposed to many measures of the Administration. He was nominated by President Cleveland to be Judge of the Supreme Court of the District of Columbia. The Judiciary Committee of the Senate reported against him, putting their objection on the ground of the conduct imputed to him during the War, and also of his age. He was then sixty-seven years old. I dissented from the Committee, of which I was a member, and I exerted myself with all my might to secure his confirmation, and was successful. He made a most admirable Judge, and my action was abundantly vindicated by the result.

I have taken special satisfaction in two reports which I made for that Committee. I have a right to say that I dealt with the subjects with the same freedom from bias or prejudice with which it would have been my duty to give to the question if I had been sitting on the Bench of the Supreme Court of the United States.

The case of *Cessna vs. Myers* was perhaps the most interesting and important of those in which I made a report for the Committee. John Cessna had served the State of Pennsylvania for several terms. He was a very popular and eminent Republican member. According to the returns, Myers, his adversary, had a majority of 14. Cessna showed beyond question, and his antagonist admitted, that more than 14 illegal votes were cast for Myers. On the other hand Myers claimed that there were many illegal votes cast for Cessna, the evidence of which, so far as appeared, came to his knowledge first when introduced in the case. When the evidence was taken Cessna claimed to have evidence that 328 illegal votes were cast for Myers, and that ten legal votes, cast or offered for him, were rejected. On the other hand the sitting member claimed that there were 341 votes illegally thrown for the contestant, and of those Cessna admitted that 81 had proved to be illegal. So the Committee were obliged to examine by itself the evidence in regard to the right to vote of each of several hundred persons.

The case turned finally on some very interesting questions of the law of domicile. It appeared that a considerable number of persons who were entitled to vote, if they were resident of the district where they voted, were workmen employed in the construction of a railroad. They had come from outside the district for that purpose alone, and had no purpose of remaining in the district after the railroad should be completed, and meant then to get work wherever they could find it, there or elsewhere. There were also a number of votes cast by students who had gone to college for the purpose of getting an education, having no design to remain there after their studies terminated. Still another class of voters whose right was in dispute, were the paupers abiding in the public almshouse, and maintained in common by a considerable number of townships and parishes. These paupers voted in the district where the almshouse was situated, although it was not the district of their domicile or residence when they were removed to it.

The Committee held in the case of the laborer,—in spite of the very earnest contention to the contrary, that if the laborer elected in good faith when he came into the district to make it his legal residence, it became his legal residence, even if he intended to leave it and get another after his job was done.

We applied a like doctrine to the case of the students, holding that a student of a college, being personally present in any district, had the right if he so desired, to take up his abode there, and make it by his election his legal residence for a fixed and limited time.

The question of the paupers we left undecided, as it turned out that whichever way it were decided, Mr. Cessna had not overcome his opponent's legal majority.

We also decided an Arkansas case where the title to his seat of a well known Republican member of Congress was at stake, in favor of his Democratic contestant.

I was somewhat gratified in the midst of a storm of vituperation which I had encountered for some political action of mine, in which I was charged by almost the entire Democratic press of the country with being a bitter partisan to find two Democratic gentlemen who had owed their seats to the impartiality of the Committee on Elections, coming very zealously to the rescue.

I served also from 1873 to 1875 on the Committee on Railroads and Canals. I have no recollection of doing anything on that Committee, except aiding in reporting a bill for the regulation by National authority of railroads engaged in interstate commerce, in defence of which I made a very elaborate speech. But I was able to secure the passage of one very interesting and important measure. James B. Eads, the famous engineer, architect of the great St. Louis bridge, had a plan for opening to commerce the mouth of the Mississippi River by a system of jetties. He had submitted his plan to the Board of Engineers appointed by the War Department. But he could get no encouragement, and of the twenty members of that Board, only one, General Barnard, the President, looked with any approval upon his scheme. The Board thought that a very long and costly canal was the only method of securing a waterway which would enable ocean steamers to reach New Orleans, and the product of the Mississippi valley to be carried to Europe that way. Captain Eads appeared before the Committee on Railroads and Canals and urged his scheme in a speech of great interest and ability. The Committee adjourned for a week. They were to take up the question at the next meeting. The vote was unanimous against Mr. Eads's Bill. When the Committee came out of their room he was waiting outside the door to learn his fate. I saw the look of disappointment and despair on his face when he was told of the vote. I asked him to come with me into another room, which he did. I told him that I was satisfied from what I had heard that his plan was a good one, although I had voted against it with the rest of the Committee. It seemed to me that it would be presumptuous in me, having no special knowledge in such matters, to go against the practically unanimous report of the United States Board of Engineers. But I said: "Captain Eads, can you not frame a bill, which will provide that you shall not have any money from the Treasury for your work until you have accomplished something. If you deepen the channel of the river a foot that will have done some good. Suppose you provide that when you have deepened the river a certain number of feet you shall have so much of your pay, when it is deepened further so much more, and so on until the work is done." Captain Eads eagerly caught at the plan. He said that he was willing to do it, and that he was perfectly willing that his getting his pay should depend upon the certificate of the engineers of his having accomplished the result. He agreed to have a bill drawn on that principle. He brought it to me afterward. I went over it very carefully, inserting some additional securities for the Government. I then took it to the next meeting of the Committee, moved a reconsideration of the vote of the previous week. That was carried by a bare majority of one vote. I then moved the new bill as a substitute for the old one. It was adopted. The bill passed the House and Senate under which the Eads jetties were constructed and vessels drawing over twenty-eight feet of water passed freely up and down to and from New Orleans. The depth before that time, I think, had been twelve feet. Captain Eads afterward sent me a beautifully bound copy of the history of the Eads's jetties with an inscription certifying to the facts I have stated, in his own handwriting. I told this story afterward at a meeting of the business men of Boston. Mr. Corthell who happened to be present made a speech after I got through. He is himself a very eminent water engineer. He said that he was associated with Captain Eads at the time and had often heard Captain Eads tell the story.

Captain Eads afterward had a scheme which always seemed to me very feasible for a ship-railway across the Isthmus of Tehuantepec. His project was to construct a railway with a sufficient number of tracks, and to raise ships of the largest size on the principle applied in locks of ordinary canals. He had a contrivance made of stout beams which would hold and support a loaded vessel to which it was adjusted. The beams were to operate something like the keys of a piano, and the whole operation was something like that by which hatters measure and record the shape of a man's head. This plan received the hearty commendation of some very eminent engineers, including Major Reed of England, the highest authority of such subjects, the constructor of the dry docks at Malta. The scheme had a good many supporters in Congress. I think it would have been adopted but for Captain Eads's premature death.

Rather a singular coincidence took place when I was interesting myself in this matter which possibly may be not too trivial to record. One Thanksgiving morning I received by express a beautiful copy of Wordsworth, which I had bought in Boston the day before. Just as I was opening it the morning mail was brought in. I opened the book at random and turned to Wadsworth's poem, "The Highland Broach." My eye caught the following lines:

Lo! Ships from seas by nature barred,
Mount along ways by man prepared;
Along far stretching vales, whose streams

Seek other seas, their canvas gleams,
And busy towns grow up on coasts
Thronged yesterday by airy ghosts.

I turned by eye from these verses to the mail in which was a copy of a New York illustrated journal containing an account of the Eads ship-railway.

The inscription in Eads's "History of the Jetties," above referred to, is as follows:

To Hon. George F. Hoar, who, as a member of the House Committee which matured the Jetty Act, prepared the *first report* in its favor, this book is presented; with the assurance that his unfaltering support of the enterprise through all its struggles, entitled him to a prominent place among the statesmen to whom the producers in the Valley of the Mississippi are most largely indebted.

JAS B. EADS
Washington, D. C.,
February
1881

I had the pleasure of receiving a telegram from New Orleans shortly after the completion of the jetties saying that a loaded steamer, drawing between twenty-seven and twenty-eight feet of water, had safely passed through them to New Orleans.

The Commission appointed by the Government insisted upon having the jetties constructed at the south pass of the Mississippi River. This Captain Eads strenuously resisted and urged the superiority of the southwest pass for the purpose. The House when it passed the jetty bill adopted Mr. Eads's plan. But the Senate insisted on taking the opinion of the Commission, much to his distress. The Senate was firm, and the House was obliged to yield. I think everybody now agrees that Eads was right, and that the scheme would have been perfectly successful, and would have continued to perform all that was desired of it, if his counsel had been taken. As it is, the jetties have been of great value and well worth their cost. But it will probably be necessary some time to construct a similar work in the southwest pass.

During my first term in the House on the Committee on Education and Labor I had the important duty of investigating the conduct of the Freedman's Bureau and other charges made against General Oliver O. Howard. I wrote nearly the whole of the report, all of it containing the arguments of the Committee, and the summing up of the evidence. A few passages are by the Chairman, Mr. Arnell. The Freedman's Bureau was established to aid the colored people who had been suddenly emancipated by President Lincoln's Proclamation, to attain a condition where they could get their living in comfort, and their children could be educated. General Howard, a very eminent officer in the Civil War, afterward at the head of the Army, was a man singularly fitted for this duty. He was profoundly religious, absolutely incorruptible, a man of very kind heart, not afraid to break out new paths, apt to succeed in all his undertakings, a lover of Liberty and thoroughly devoted to his work. The resources at his command were the unclaimed pay of the negro soldiers and some other sums specially granted from the Treasury. But the work was one entirely different from anything which had been accomplished by government agency in the country before. He purchased tracts of land, which were divided into building lots, which were sold to the colored people. Money was advanced to them to build houses, the Freedman's Bureau taking a mortgage as security. The Bureau endowed Howard University, of which General Howard was made President. A large Congregational Church was built in Washington with moneys advanced by the Bureau, the religious society giving its bonds at seven per cent. for which the structure was ample security. General Howard had incurred the bitter animosity not only of the enemies of the negro race, who disliked the whole object for which the Bureau was founded, but of other persons whom he had offended. I believe in no instance was there any loss to the Government, or to the fund in his charge. He was able to establish in comfortable homes, and to educate and to provide work for many thousand freedmen who had flocked to Washington during the disturbed period immediately following emancipation. After a thorough investigation, where the prosecution was conducted by Fernando Wood, a very distinguished and able Representative from New York, formerly Mayor of the City, General Howard was completely exonerated by the report of the majority of the Committee. The report was accepted by the House.

In 1873 I visited Louisiana, as Chairman of a special committee raised for the purpose of inquiring into the conditions there, and ascertaining which of two rival State governments was the lawful one. The investigation disclosed a terrible story of murder, brutality and crime. I made the report, signed also by Mr. Wheeler, afterward Vice-President, and Mr. Frye, now Senator and President pro tempore of the Senate. It told the dreadful story of these things with absolute truth and fidelity. It is not worth while to revive these memories now. But at the same time I endeavored to do full justice to the better qualities of the Southern people and to explain how it happened that men otherwise so honorable and

brave and humane could be led by the passions of a political warfare and race prejudice to commit such offences. Mr. Lamar, of Mississippi, one of the most brilliant and able statesmen of his time, sought an interview with me after the report went in and thanked me for what I had said of the Southern people, and told me that "I was the first Northern man who seemed to be capable of doing them justice." What he thought will be found also stated by him.

In a speech made before a Democratic meeting in the spring of 1875, Mr. Lamar said ("Life of Lamar," p. 221);

"Well, the character of that last Committee—especially of its Chairman, Mr. George F. Hoar—was such as to lead to no expectation that there would be any indulgence shown to the people of the South, or any very harsh criticisms of his own party. By inheritance, by training, by political association, he was intensely anti-Southern. His manners toward Southern men, so bitter are his feelings, are often cold and reserved; and nothing but his instinct and refinement as a gentleman, which he is in every respect, saved him from sometimes being supercilious; acute in intellect, cultured, trained to the highest expression of his powers, quick in his resentments and combative in temperament, we certainly expected no quarter from his hands. But beneath all this there were genuine truth and manhood in Hoar that lifted him above the sordid feeling of malignant passion. He went, then, to that country, and he made a report; and, while there is much in it that saddened my heart, while there is much which I say is unwise and unjust in his observations, there are some things, fellow citizens, which you people of the North should hark to bear in mind, while you are coming to your conclusions with reference to the relations which you intend to sustain to the prostrate people of my section. Here, fellow citizens, is what Mr. Hoar says in reference to the South: 'We do not overlook the causes which tended to excite deep feeling and discontent in the white population of Louisiana. (I must read these extracts to you because a people's interest, a people's destiny, hang largely upon the action of the people of New Hampshire and other Northern States.) There has been great maladministration; public funds have been wasted (that means public funds have been embezzled, appropriated by these governments that are sucking the blood, the life blood, from a people already impoverished by four years of calamitous war); public lands have been wasted, public credit impaired.' Now, fellow citizens, that is the testimony of one of the most uncompromising Republicans in this country."

Mr. Lamar would not have used, I am sure, the word "bitter" after we came to know each other better. Perhaps I may be forgiven if I insert here a letter from Mr. Lamar's nephew, just elected a member of Congress from the State of Florida. I know I must attribute the eulogy which it contains to his kindness of heart, and desire to meet more than half way my own cordial feeling toward the portion of my countrymen to whom he belongs. I do not take them literally. But I confess I like to leave on record, if I may, some evidence which will contradict the charge so constantly made by critics near home, that I am a man of intense partisan and personal bitterness.

TALLAHASSEE, FLA.,
Mch 10th, 1903

SENATOR GEORGE F. HOAR,
Washington, D. C.

Dear Sir:

I would like very much to have a copy of your address lately made before the Union League of Chicago. I see notices of the speech in the newspapers.

Also your address made before the New England Society some three years ago, if you have a copy.

Your picture, sent to me at my request, hangs in my room. It is the face and form of a great American statesman. One whom our people have learned to admire and love.

Our people venerate your years, still in vigorous life and in full possession of great faculties of mind and heart. We look to you and other great Northern men to keep us in our sectional and racial questions. In one way these questions mean so little to the sections of the country not immediately interested in them, but they mean so much to the Southern people who have to deal with them as live, every day matters.

I left the Attorney-General's office in this State on February 28th, ult., after fourteen years service and two years yet to run. On March 4th, inst., I became Congressman from the new Third Congressional district.

I go to Washington as a Democrat, but with full knowledge that my party does not contain all the right or all the wrong in it. And I hope that in the vexing questions of the future, that by a temperate course of thought and action, that my influence may be worth something, however small, to my people

beyond even a party view.

But after all I feel that great and representative men of other sections can assist the Southern people in these questions quite as much, if not more, than we can assist ourselves.

I hope to meet you next winter. The biography of my Uncle Justice Lamar shows how much he esteemed you and your regard for him. I am with much respect,

Very truly yours,
(Signed) W. B. LAMAR.

I was also placed by Mr. Blaine on the Committee to investigate the Union Pacific Railroad and the Credit Mobilier. I shall give an account of this matter in a separate chapter.

There was great public excitement on the subject. After the report on the Union Pacific Railroad, and within about a week of the end of Congress, the House adopted a resolution to make a like investigation of the affairs of the Central Pacific Railroad. It was absolutely impossible to accomplish such an inquiry within the few remaining days of the session. But if we failed to attempt it the political newspapers and what are called Independent newspapers, always much less fair to public men than political opponents, would have charged us with failing to make the investigation from a desire to screen the offenders. The charge would have been greedily believed in the excited condition of the public mind, which our explanation would never reach. So I advised the Committee to call Mr. Huntington, the President of the Central Pacific Railroad, and ask him to produce the accounts and records of his Company. To this it was anticipated that he would reply that these records were in California and that he could not get them before Congress and the authority of the Committee would expire. Mr. Huntington was accordingly summoned. He brought with him Mr. William M. Evarts, as counsel, and testified as was expected. He then, however, asked leave of the Committee to make a statement in regard to the relation of his road to the National Government. This was granted. He then went on to say what a great public benefactor his company had been. It had connected the two oceans by a great railroad across the continent, saving millions upon millions to the commerce of the country. But beside that he said it had saved to the Government more than all the moneys the Government had advanced toward its construction, by preventing Indian wars. One winter especially his railroad corporation had fed a hostile Indian tribe when the Government supplies had failed to reach them, saving them from the danger of starvation and saving the Government from a bloody and costly Indian war. I said, Mr. Huntington—Was not that ultra vires for a railroad corporation? He answered, "No, Sir! no, Sir! we never gave them anything as strong as that." He evidently thought he was being charged with supplying the Indians with liquor, and that ultra vires meant extra strength.

The only other important committee work that I now recall during my service in the House related to the investigation of the conduct of Mr. Speaker Blaine. He was charged with having received stock in a railroad at a price much less than its then value with the expectation of paying for it by aiding the passage of legislation in which the road was interested, by political service as a Member of the House of Representatives, and especially by his great influence as Speaker. It was further claimed that in letters addressed by him to a man named Mulligan he had demanded conveyances of such stock in compensation for a ruling he had before made by which a measure in conflict with the interest of the road was defeated. These charges were referred to the Committee of the Judiciary. The House was then Democratic and the majority of the Committee was made up of Mr. Blaine's political opponents. The investigation was conducted in a spirit of bitter hostility to him. The evidence was taken by a sub-committee of which I was not a member. But as disputed questions of procedure and as to the admission of evidence were constantly coming up which were referred always to the full committee, which was considered in session all the time for that purpose,—the members were every day, sometimes several times a day, summoned from their seats in the House to the meeting of the Committee. I was familiar with the whole case as it went in. It was expected that there would be a hostile report, and it was understood that I should be charged with the duty of making a minority report.

I studied that evidence as thoroughly and faithfully as I could. I have gone over the matter very carefully since. I was then satisfied, and am satisfied now, that the charges against Mr. Blaine of any corruption or wrong-doing were totally unsustainable. They would never have found credit for a moment except in minds deeply excited by the bitter political passion which at that time raged to a degree wholly unknown in our political strife to-day. All Mr. Blaine did was to say when he applied for the purchase of the stock to the men who were then trying to dispose of it that "he should not be a dead-head." He meant by that only that he was able to be of advantage to any undertaking in which he should be interested, an assurance which his known ability and energy and large acquaintance with business men thoroughly warranted him in making. There was no action of Congress expected, or legislation in which the railroad was likely to have an interest. All that it expected to get from Congress

had been obtained already.

The other charge that he demanded a favor in this purchase as compensation for a ruling he had made as Speaker was, in my judgment, equally unfounded and trivial. He simply alluded to the fact that he had made a ruling which had saved the road from hostile legislation. Every lawyer had doubtless many times had jurymen remind him of the fact that they had been on juries that gave verdicts in his favor. Every Member of Congress likes to meet a pensioner for whom he has secured a pension. Neither has any thought of wrong in reviving such a memory. The ruling Mr. Blaine had made was simply stating a clear rule of the House about which there could be no doubt whatever. At the same time, I said at the time, what I deem it my duty to repeat now, I think Mr. Blaine erred, when he thought it proper to embark in such a speculative investment. Members of legislative bodies, especially great political leaders of large influence, ought to be careful to keep a thousand miles off from relations which may give rise to even a suspicion of wrong. Their influence and character are the property of their country, and especially valuable to their political associates. The great doctrines of which they are the influential advocates must not be imperiled by any smell of fire on their garments. But an error of judgment, or of good taste, on their part, is very far from being corruption. Henry Clay was a gambler. Other eminent statesmen both in this country and in Europe have made no secret of even worse vices than that. They are undoubtedly to be disapproved, in some cases severely condemned. But the people always have made and always will make a distinction between such offences and the final unpardonable guilt of corruption in office.

James G. Blaine was a man of many faults and many infirmities. But his life is a part of the history of his country. It will be better for his reputation that the chapter of that history which relates to him shall be written by a historian with a full and clear sense of those faults and infirmities, concealing nothing, and extenuating nothing. But also let him set nought down in malice. Mr. Blaine was a brilliant and able man, lovable, patriotic, far-seeing, kind. He acted in a great way under great responsibilities. He was wise and prudent when wisdom and prudence were demanded. If he had attained to the supreme object of his ambition and reached the goal of the Presidency, if his life had been spared to complete his term, it would have been a most honorable period, in my opinion, in the history of the country. No man has lived in this country since Daniel Webster died, save McKinley alone, who had so large a number of devoted friends and admirers in all parts of the country.

CHAPTER XIX SALMON P. CHASE

Among the very interesting characters with whom I have formed an acquaintance in Washington was Chief Justice Salmon P. Chase. I saw him but a few times. But on those occasions he spoke to me with a freedom with which famous public men seldom speak, even to intimate friends. I incline to think it was his habit to speak freely to comparative strangers. But of that I know nothing.

When I first went to Washington, in the spring of 1869, I was invited by Commissary-General Eaton, whose daughter was the wife of my cousin, to attend a meeting of a club at his house. The club was composed of scientific men who met at each other's houses. The reading of a paper by the host was followed by a supper. The host was permitted to invite such guests as he saw fit, not members of the club. Chief Justice Chase was one of the guests. I was introduced to him there for the first time, except that I went, when I was quite a young man, long before the war, to hear him speak and, with a great many other persons, went up and shook hands with him after the speech was over.

The Chief Justice left General Eaton's house when I did, and asked me if I were going his way. So we walked together about a mile. He talked all the way about the next nomination for the Presidency; about the prospects of the various candidates, and the probability of the success of the Democratic Party if they had a candidate who would be satisfactory to the Republicans who were disaffected with the present policies. It was evident that his great man had this subject, to use a cant phrase, "on the brain." This was before the Chief Justice had his paralytic shock. He was in the full vigor of health, a model of manly strength and manly beauty, giving every evidence that his great intellectual power was undiminished.

Not long afterward a friend of mine went to Ohio with his wife. In those days it was necessary for persons going from Washington to the Northwest to cross Baltimore in a carriage— the Washington station and the Ohio station being in different parts of the city. A friend of my friend went to Baltimore to see his wife, who was going to Ohio, across the city and then to return to Washington. He knew Chief Justice Chase. He introduced him to my friend on the cars, and they rode across Baltimore in one carriage, the two gentlemen, the Chief Justice, and the wife. The Chief Justice talked to him whom he had just met for the first time during the whole ride of half an hour on the same engrossing subject, as he had to me before.

I think there can be no doubt that Chief Justice Chase, like many other great men, was consumed by

an eager and passionate ambition for the Presidency. That has been true of other great statesmen as well as of many small statesmen. It has been specially true of great orators. The American people are fond of eloquent speech. They make their admiration known to the speaker in a way that is quite likely to turn his head. In Plato's day the bee Hymettus mingled with the discourse as it came forth. To-day the bee lights in his ear and fills his fancy with delightful dreams of a hive by the Potomac, thatched with flowers and redolent with the incense of flattery.

I do not doubt that if Salmon P. Chase had been elected President of the United States he would have administered that lofty office honorably and to the advantage of the country. But I think that his ambition clouded his judgment, and inclined him, perhaps unconsciously, to take an attitude as a Judge on some of the political questions on which parties were divided after President Grant came in, which would be acceptable to the Democrats, and would make it possible for him to accept their nomination. But all this is merest speculation. If he had maintained his mental and physical vigor it is quite likely that he would have been nominated when Greeley was nominated. If he had been, it is not unlikely, in my opinion, that he would have been elected. I thought at the time that if Mr. Adams had been nominated in 1872, he might have been chosen. The discontent with Grant was far-reaching, for the reasons I have stated elsewhere. But the nomination of Greeley was ludicrous and preposterous. Almost every attack on the first Administration of President Grant was answered by the political speakers on his side by a quotation from Greeley or the New York *Tribune*. A candidate seeking an election by reason of the mistakes his antagonist has made in accordance with his own advice, does not stand much chance of winning. The Southern people, even the white Democrats, always had a kindly feeling for Grant. They did not resent what he had done as a soldier, as they resented what Greeley had said as a politician. They knew too, in spite of their strong differences with Grant, the innate honesty, justice and courage of the man.

Chase would have been a far stronger candidate than Greeley. However any political antagonist might dislike him, every antagonist must respect him, and nobody could laugh at him.

The question of the constitutional power of Congress to make Treasury notes legal tender for all debts, whether incurred before or after they were issued, came up for the decision of the Court when Chase was Chief Justice. It was a question which profoundly interested and excited the public. The Democratic Party, which more lately favored the payment of all debts, public and private, in irredeemable paper money, had assailed the Republican Administration during the war for providing, under an alleged necessity that Treasury notes, called greenbacks, should be legal tender for the discharge of all debts. The constitutionality of that law had been affirmed by the courts of fifteen States. It had been denied by one court only, that of Kentucky, the eminent Chancellor dissenting. There was scarcely a Republican lawyer or a Republican judge in the country who doubted the constitutional power of Congress to impose such a quality upon the paper currency if, in the opinion of Congress, the public safety should require it.

The question came before the Supreme Court of the United States in the case of *Hepburn v. Griswold*, and was decided by that Court in December, 1869.

The Court were all agreed that Congress has power under the Constitution to do not only what the Constitution expressly authorizes, but to adopt any means appropriate, and plainly adapted to carry in to effect any such express power. So the two questions arose: First, Was the power to issue legal tender notes an appropriate, and plainly adapted means to any end which the National Government has a right to accomplish? Second, Who are to judge of the question whether the means be so appropriate, or plainly adapted?

There were then seven Justices of the Supreme Court. Chief Justice Chase, with the three Democratic Justices held the Legal Tender Law unconstitutional, and declared that a law making anything but gold or silver legal tender for debts was neither appropriate nor plainly adapted to carrying on war, or any other end for which the National Government was erected.

He had, when Secretary of the Treasury during the War of the Rebellion, originally advised the issuing of these legal tender notes. He had visited the Capitol. He had called members of the two Houses of Congress from their seats and, by his great urgency, overcome their reluctance to vote for the Legal Tender Law. My late colleague, Mr. Dawes, has more than once told me, and others in my hearing, that he was exceedingly reluctant to resort to that measure, and that he was induced to support it by Mr. Chase's earnest declaration that it was impossible that the War should go on without it, that he was at the last extremity of his resources. A Government note had been formally protested in the city of New York. I have heard a like statement from many public men, survivors of that time. It is not too much to say, that without Mr. Chase's urgent and emphatic affirmation that the war must stop and the Treasury be bankrupt and the soldiers without their pay, unless this measure were adopted, it never could have passed Congress.

Notwithstanding this, Mr. Chase puts his opinion in the Legal Tender Cases on the ground that this was not a necessary, or plainly adapted means to the execution of the unquestionable power of carrying on a great war in which the life of the Republic was in issue.

The question whether this necessity existed was a question of fact. Now questions of fact cannot be determined by the courts. If the fact be one on which depends the propriety of legislation it must be determined by the law-making power. Of course, where facts are of such universal or general knowledge that the court can know them judicially, without proof, like the fact of the time of the rising of the sun, or the laws of mechanics, or the customs prevailing in great branches of business, the court may take judicial notice of them. But how could Mr. Chase, as a judge, judicially declare as a fact that the issue of legal tender notes was not necessary for carrying on the war, when he had, as Secretary of the Treasury, having better means of knowledge than any other man, so earnestly and emphatically declared such necessity? How could he, as a judge of one court, determine as of an unquestionable fact of universal knowledge that the issue of a legal tender note was not necessary for maintaining the Government in that terrible war, when fourteen State tribunals, and a minority of his own court, had declared the fact to be the other way?

This decision gave rise to an attack upon the Administration of President Grant and especially upon Judge Hoar, then Attorney-General, which, although it has no foundation whatever in fact, is occasionally revived in later years, that the Court was packed by appointing two new Judges to reverse the decision. The decision in *Hepburn v. Griswold* was announced in the Supreme Court February 7, 1870. The court met at twelve o'clock. The decision was read by the Chief Justice after several opinions had been read by other judges, so that the afternoon must have advanced considerably before it was promulgated. It had not been made known to the public in advance by the press, and President Grant and Attorney-General Hoar both affirmed that they had no knowledge of the decision and had no expectation of what it would be before it was announced. I myself had a conversation with Attorney-General Hoar in the afternoon of that day. He had just heard the decision from the Chief Justice with great astonishment and surprise.

Four judges concurred in the decision. There were two vacancies in the court—one occasioned by the withdrawal of Mr. Justice Grier, and one by the Act of Congress of the previous Session providing for an additional judge. At twelve o'clock in the morning of that day, before the decision in *Hepburn v. Griswold* was made known, President Grant had sent to the Senate, and the Senate had received the communication nominating Messrs. Strong and Bradley to these vacancies. They were regarded as the ablest lawyers in the circuits where they dwelt. By common consent of the entire profession they are among the ablest judges who ever sat on the Supreme Bench. In my opinion Mr. Justice Bradley has had no superior, save Marshall alone, on that court, in every quality of a great judge. I doubt if he has had, on the whole, an equal, save Marshall alone. They have both joined in opinions since their appointment in very important political questions, in which the policy of the party to which they belonged was not sustained. An offer to them of these vacancies in their circuits was the most natural and proper thing that could have been done. There was no Republican lawyer in the country, of any considerable prominence, so far as I know, who questioned the constitutionality of the Legal Tender Act, of distinction enough to make him thought of anywhere for a place on the Supreme Bench. So far as I now remember, there is but one instance of an appointment by the President of the United States to the Supreme Court of a man not belonging to his own political party. That is the case of Mr. Justice Jackson, who was appointed by President Harrison on my own earnest recommendation. There has never been made in any quarter, so far as I know, a statement or pretence that there existed any evidence that President Grant made these appointments, or that any member of his Cabinet advised it because of its possible effect on the Legal Tender Law. Yet this foolish and dirty charge has found extensive credit. I read it once in the London *Times*. It was, however, in a communication written by a degenerate and recreant American who was engaged in reviling his own country. It was also referred to by Mr. Bryan in his book on the United States. I sent him a copy of a pamphlet I prepared on the subject, and received from him a letter expressing his satisfaction that the story was without foundation. It is the fashion still, in some quarters, to speak, in spite of the decisions of the Supreme Court and the numerous State courts, to which I have referred, as if it were too clear for argument that Congress had no right to make the Government notes a legal tender. The gentlemen who talk in that way, however, are almost universally men of letters, or men without any legal training or any considerable legal capacity. They are of that class of political philosophers who are never trusted by their countrymen to deal with authority with any practical question either legislative, administrative, or judicial.

While saying this, I wish to affirm my own belief that, while it may be in some great emergencies like that of our late Civil War essential to the maintenance of the Government that this power which I believe Congress has, without a shadow of a reasonable question, should be exercised, yet I should hold it a great calamity if it were exercised except on such an occasion. It is a dangerous power, like the

power of suspending the writ of *Habeas corpus*, or the power of declaring war, or the power of reckless and extravagant public expenditure, never to be exercised if it can possibly be helped. I think the American people have, in general, settled down on this as the reasonable view, in spite of the clamor of the advocates of fiat money on the one side, and the extreme strict constructionists on the other.

CHAPTER XX ADIN THAYER

The political history of Massachusetts from 1850 until 1888 cannot be written or understood without a knowledge of the remarkable career of Adin Thayer. When I was first nominated for Congress, he was my earnest opponent. That was due, so far as I know, to no dislike to me, but only to his strong friendship for Mr. Bird. After my election, he became my staunch friend. Our friendship continued without interruption to his death. The name of Adin Thayer is dear to my memory and to my heart.

I have often said that there were four men who honored me with their friendship, whose counsel I liked to get under any difficult public responsibility, and that when these four men approved or agreed with anything I myself said or did, I did not care what the rest of mankind thought. It would have been better to say that, although I did care very much what the rest of mankind thought, I knew that when these men were on my side, the wisdom and conscience of Massachusetts would be there also.

One of them was John G. Whittier. He added to the great genius which made him a famous poet the quality of being one of the wisest and most discreet political advisers and leaders who ever dwelt in the Commonwealth.

Another was my own brother, Judge Hoar, of whom I will not now undertake to speak. He was the last friend of mine who always performed the act of friendship to which Adin Thayer was never unequal, that of telling me my faults and mistakes with much more thoroughness and plainness of speech than he ever used in praising any of my virtues.

The third was Samuel May, who died in an honored old age at Leicester, his sunset hour cheered by the memories of noble service and the consciousness of having borne his full share in the greatest achievement of human history accomplished by mere political instrumentalities—the freedom of the slave.

The fourth was Adin Thayer, a man quite as remarkable in his way as either of the others in his. Each of them gave high and brave counsel in great emergencies. Each of them had a great part in the overthrow of the political forces that were on the side of slavery, and in the triumphant overthrow of the combination which would, if successful, have corrupted Massachusetts and made of her the worst instead of the best example on earth of republican self-government.

There is hardly room here for more than a sketch of Adin Thayer. He was a very striking, original and picturesque figure in the history of the Commonwealth. He was a strong, brave, wise, unselfish man. His life, so far as he took part in political affairs, was devoted to objects wholly public, never personal. He was the greatest organizer of righteousness in his generation. We must go back to Sam Adams to find any one who deserves to be compared with him in this respect. I cannot now undertake to tell the story of his important services to the Commonwealth at some very critical periods, or to narrate the history of all the political events in which he bore so conspicuous a share. The time to do this has not come. It can be done only when the correspondence, the inner personal life of men who were the leaders of Massachusetts during the stormy period through which she has lately passed, shall be given to the world.

Worcester County, from the day of Rufus Putnam until to-day, has in every generation contributed eminent persons to the service of the Commonwealth. But the service of none of them has been in the same field as his. Indeed, as I have just said, we must go back to the days of the Revolution to find a conspicuous character who united so completely absolute disinterestedness of character, inflexible integrity, passionate love for Massachusetts, devotion to the loftiest ideals, and was at the same time a most skilful and efficient organizer of political forces.

Adin Thayer was born in the town of Mendon, in the County of Worcester, December 5, 1828. His birthplace was near Chestnut Hill, in the territory which was incorporated into the town of Blackstone in 1845. He was the son of Caleb Thayer and Hannah, the daughter of Peter Gaskill of Mendon. His ancestors, so far as known, in all the line of descent, were New England farmers. No better race ever existed for the development of the highest intellectual and moral quality. They wrung a difficult livelihood from the soil and forest. They were educated by the responsibilities of self-government. They were accustomed to meditate and discuss with each other the profoundest questions of theology and of the State. Their local traditions had made them familiar with a stimulant and heroic history, in which every family had borne its share. In these Puritan communities life was a perpetual gymnasium. At the

time of Mr. Thayer's birth, the strictness of the Puritan manners had softened somewhat. A milder theology was slowly making its way, but the race which settled in New England still remained without a tincture of any foreign element.

The town was one of the oldest in Worcester County. In every generation it had contained men of large influence in the Commonwealth, who had kept alive the interest of the people in public affairs. Jonathan Russell, who, with Adams, Bayard, Clay and Gallatin, negotiated the treaty of Ghent, and who met rather an ignominious defeat afterward in an attempt to measure lances with John Quincy Adams; the Hastings family, three of whom were eminent lawyers, two of them having represented the district in Congress; were of a generation that passed from the stage at about the time of Judge Thayer's birth.

The people were fond of discussing public questions, not only in town meeting, but in neighborhood gatherings and debating societies. The Judge used often to tell of the eager interest with which in his boyhood he listened to these encounters. There were two men, one of whom survived until Judge Thayer came to manhood, the other of whom died recently in an honored old age, who were less known abroad than those I have named, but who exerted a powerful influence upon the community and upon the character of the observant and impressible boy. One of them was Dan Hill, the other the Reverend Adin Ballou.

Dan Hill was one of the most remarkable men Worcester County ever contained. He was not bred to the bar, and was without the advantage of what is called a liberal education. But he had a wonderful aptness for understanding legal principles and the weight and effect of evidence. His neighbors when in trouble instinctively sought him as a shield. He was an unerring counsellor in the conduct of complicated affairs. His aid was extensively sought in the preparation of causes, in settling estates, and as guardian and trustee. He was concerned in hundreds of cases. It would be hard to name one in which he had anything to do that did not terminate to the advantage of the party who employed him. He had none of the arts of the pettifogger. He cared little for his own personal advantage. He had a native and lofty scorn for dishonesty and meanness. He was never better pleased than when, without prospect of gain for himself, he was employing his talents in the protection of poor and honest men against fraud and oppression. He had a large public spirit. He was early an anti-slavery man, and one of the founders of the Free Soil Party. He was specially at home in the Mendon and Blackstone town meetings, in the meetings of the school district, in the caucus, in the temperance and anti-slavery meetings and other neighborhood gatherings where the people discussed matters which concerned the public welfare. In all these he gave sensible counsel in common affairs and high counsel in high affairs.

The influence of Adin Ballou, of whom Judge Thayer delighted to speak in his later years, may be traced in the strong sympathy the Judge always showed for aspirations, although exhibited in the most crude and grotesque fashion, for the reconstruction of society according to the laws of a newer and more spiritual life. Mr. Ballou, a man of clear intellect, stainless life, sweet and amiable temper, undertook with about thirty companions and disciples to form a community which should have the Beatitudes for constitution, charter and by-laws. This community was established at Hopedale, now a separate town, then part of Milford, formerly part of Mendon. Some of the most important members of this body withdrew from it, doubting its ability to maintain itself financially, and it was abandoned. But if its sweet and gracious influence on the social life in its neighborhood be any measure of its success, it was highly successful.

Hopedale became famous afterward as the dwelling-place of George Draper, one of the most eminent manufacturers and sagacious and public-spirited citizens—founder of the Home Market Club—the reputation and honor of whose name has been still more extended by his sons, the eldest of whom is the admirable soldier, Representative to Congress and Minister to Italy, General William F. Draper.

Judge Thayer was named for Adin Ballou, although he afterward dropped the middle name. Mr. Ballou gives his estimate of his namesake in the following letter:

HOPEDALE, MASS., Aug. 20, 1888.

HON. GEORGE F. HOAR,—

My Dear Sir,—

Your lines of 11th inst. were duly received. I am very glad to learn that a Biography of Hon. Adin Thayer is in process of preparation, and that the work is in such competent hands. I reckoned him among my highly esteemed personal friends, and was painfully shocked by the news of his lamentable death. I knew his grandfather before him, his father and mother, and the whole family connexion more or less intimately. They were often attendant on my public ministrations, and I have been with them, during my long life, on many occasions of interest, joy and sorrow. They have all been persons of strong common sense, downright honesty and solid worth. Judge Thayer descended from a sturdy, intelligent and respectable yeoman stock. And he has honored his heredity by his own intellectual and moral

excellence. Although my personal intimacy with him has never been close enough to enable me to describe the footsteps of his upward career with graphical exactness, or to enrich my memory with interesting anecdotes, I can bear witness in a general way to his good characteristics, especially in his youth while he was nearest under my observation, and to some extent those of his mature years. He was an industrious, affectionate, and dutiful son from childhood to maturity. He evinced early intelligence, rationality and moral principle of a superior type, availing himself by close application of every opportunity for acquiring useful knowledge, and did so, as the sequel proved, successfully. He was always an independent, acute and logical thinker on a wide range of subjects, as well outside of his professional life as inside. But his constitution practically confined his ambition and pursuits to the state of the world's affairs as manageable for the time being, rather than to expending his energies for the realization of theories greatly in advance of current public opinion. In this respect he differed from his friend who writes this graphic contribution; whom nevertheless he always respected. But he was by no means a fossil conservative lagging in the rear of progress. He marched just as far forward in the column as he was sure it could command the ground. Thus he espoused the anti-slavery movement in politics in its germinal stage, and became one of the most sagacious and efficient organizers of the Republican Party in his native State. Of this, however, others are better qualified to treat than this friend. The same is true of his pecuniary and financial achievements; also of his legal, judicial and official attainments. Let abler pens in those departments eulogise him. Whatever this writer saw of him in the judicial chair or legal forum was unexceptionably creditable to him.

On the great themes of theology his conceptions and beliefs accorded mainly with those of the writer. They were sublimely liberal and regenerative, excluding all notions of the divine attributes and government in the least degree derogatory to the character of God as the Supreme, All-Perfect Father of the Universe.

Hoping that his numerous personal friends in the various relations of life will do greater justice and honor to his memory than this pen can, the foregoing is respectfully tendered.

Very respectfully yours,
ADIN BALLOU.

But it is not necessary to seek an explanation of Judge Thayer's interest in life beyond the native tendencies which came to him by lawful inheritance. More than one person of his name and blood in former generations were noted for their public spirit and exercised a large influence in the affairs of the town. Traditions of two brothers, Captain Caleb Thayer and 'Squire Elisha Thayer, are still fresh. Captain Caleb Thayer was the great-grandfather of Adin Thayer, Esquire. Elijah was grandfather of Hon. Eli Thayer, member of Congress from the Worcester district, and founder of the Emigrant Aid Society, which had so illustrious a share in saving Kansas from slavery. Eli Thayer tells me Elijah governed Mendon. He always carried in town meeting what he wanted to carry, and killed what he wanted to kill.

Caleb Thayer, the father of the Judge, was an early anti-slavery man, and one of the founders of the Free Soil Party. He was a man of vigorous sense and great public spirit. He had large interests in Mendon and Blackstone. He represented Mendon in the Legislature and helped elect Charles Sumner to the Senate in 1851. He was generally sociable and cheerful, but subject to occasional periods of depression of spirits, when he liked to remain in solitude until the time of gloom passed by.

Adin Thayer's education was chiefly in the district schools of his neighborhood. Hosea Biglow may be taken as the type of the ordinary Yankee country boy of that day. Adin had the advantage, better, if you can have but one, than any university, of being brought up in the country. He was a member of that absolute democracy, the old-fashioned New England country town, where character and worth were the only titles to respect in the community, where the son of a President or the son of a Senator or of a Governor stood on an absolute and entire social equality with the son of the washerwoman. If the son of a President or Governor gave himself any airs on that account, he had applied to him a very vigorous and effective remedy well known to our Saxon ancestors.

Adin Thayer came to manhood when the hosts of slavery and freedom were marshalling for the great contest for the territory between the Mississippi and the Pacific.

He was soaked in Scripture, especially in the Old Testament, a soaking which has somewhat the same effect on the moral and mental fibre that seven years in a tanner's vat used to have upon sole leather. How often I have known Adin, on some great political occasion or crisis, to crush some sophistry or compromise, or attempt to get things on a lower plane, by indignantly flashing out with some old text, such as, "Righteousness exalteth a nation," or "Sin is a reproach to any people," or answer, as he did once, to a gentleman who wanted him to sacrifice some moral principle for the sake of harmony in the Republican Party, "My friend, we will be first pure, and then peaceable."

Adin Thayer was a member of the School Committee of Worcester for some years. He was Senator from Worcester, I think, for two years, in 1871 and 1872. He was appointed Collector of Internal Revenue for the eighth district by President Lincoln on August 26, 1862, and gave way to a successor appointed by President Johnson, September 14, 1866. He was reappointed by President Grant, June 22, 1872, and held the office until January, 1877, when the eighth and tenth districts were consolidated. He was appointed Judge of Probate by Governor Rice in the fall of 1877, and held that office until his death. He was Chairman of the State Committee in 1878. He gave to the public three or four essays or speeches printed in newspapers, and some of them in pamphlet form. They were, under one title or another, treatises on the moral duties of citizenship and appeals to the youth of the State to take their full and patriotic share in its administration.

But his function in life was that of an organizer. He was an ambitious man. But he never suffered his ambitions to stand in the way of what he thought was the good of the Commonwealth or of the party. Many and many a time, as there are plenty of persons who can testify, it had been the expectation that he would be the choice of his party for Senator or for Representative of the district in Congress, or some important municipal office, but when the time came, Mr. Thayer was the first to suggest that victory and harmony or the public advantage would be best attained by some other candidate, to whose service he gave a zeal and efficiency which he never would have given in his own behalf. He believed in party in politics, in organization, in work in the ward and in the school district. But he believed in those things because they were, in his judgment, essential to the accomplishment of the highest results in the country and in the Commonwealth. He was absolutely incorruptible, either by money or by office. He was a man of clean hands and a pure heart. His methods were as open as the daylight. He conducted the great campaign against General Butler, when he was Chairman of the State committee. He came to Boston and found the knees of Boston trembling, people shaking in their shoes and their teeth chattering. He went into the committee room, put things to rights, organized a campaign never approached for thoroughness and efficiency in this Commonwealth, and during the whole time there sat at the table next his own a beautiful and refined young lady hearing and knowing everything that went on from the beginning of the campaign until the end. He had no political secrets. He never, to use a common phrase, "laid his ear to the ground." He never listened for the stamping of feet or the clapping of hands or the shouting or excitement or acclaim of the multitude. His ear was to the sky. He used to speak with infinite scorn of settling questions of righteousness by a show of hands. He had a perfect faith in the American people and the people of Massachusetts, but it was a faith in the American people and the people of Massachusetts, governed by reason and not by passion, acting under constitutional restraints, listening ever for the voice of duty, a people acting not on the first impulse, but on sober second thought. He was often in the minority, and once or twice in his life a bolter. He was never afraid of being in the minority. But he never was contented until he had changed or helped to change that minority into a majority. He was a politician almost from his cradle to his grave. He believed that the highest human occupation was to take a share in the leadership and direction of a self-governing people. He was a very tolerant, friendly and considerate man, in dealing with men who differed from himself. He would pardon sinners. He would pardon politicians with whose efforts there was, as he thought, even a mingling of ambition and self-seeking. But he had nothing but hatred and contempt for men who received all the benefits of the Republic, but shrank from any labor or sacrifice in its behalf. To his mind the one base creature in the Commonwealth was the man who said he was no politician. He thoroughly believed in Ralph Waldo Emerson's saying, which he borrowed from his brother Charles: "That is the one base thing in the universe, to receive benefits and render none." He had a clear business sense. He was the best adviser I knew of in Worcester, with but one possible exception, for clients who were in financial difficulties. He was a man of absolute integrity, of absolute veracity, and of a tender and boundless compassion. One of the most touching scenes I ever beheld was, when at his funeral, among the men of high station and of honor, there came forward a little group of Negroes and fugitive slaves who had been attracted to Worcester by its reputation as the home of freedom. They passed by the coffin with bowed heads and moistened eyes, every one of them probably knowing him as the friend and benefactor who had made life possible for them in this strange and unaccustomed community. He did not get carried off his feet by any sentimentalities.

He was the best of company. You could not talk with him or tackle him without a bright and entertaining answer. He was no great respecter of persons in such an encounter. I remember meeting him one day, when he said he had just been spending Sunday in Canton. "Indeed!" said I, "my great-grandfather used to live there, and is buried there." "Well, sir," he answered, "it may be a very respectable town for all that."

A master of English fiction, who has won fame abroad, and who dwelt for some little time in this country, has given a most vivid and accurate description of Judge Thayer, his speech and his style and eloquence and sense in a novel lately published. One of the persons of the novel asks an English friend to the club, which he calls the State Club. He goes to the Club, and this is what happens:

"The State Club held its meeting in the parlor of the well-known Warrener House. There were some fifty members present, who received the Mayor with cheers, as he entered with his two friends. A good deal of smoke was made, and a good many speeches.

"Sir Hugh found interest in listening to some of the speakers, and in looking at some of the members. Montaigne pointed out all of the notables. One of the speakers* was a short man, with a corpulent body and a large open face; but he was a born orator of a certain type. Rounded and polished, mellow and musical, his sentences rolled from his mouth in liquid cadence and perfect balance. Sir Hugh put him down as his ideal after-dinner speaker. He made his points clearly, neatly, and with occasional vigor that was always surprising."

[Footnote]

* John D. Long.

[End of Footnote]

"He reminds me of the Younger Pitt. Who is he?" asked Sir Hugh, with a touch of enthusiasm that was in striking contrast with his habitual and aristocratic insouciance.

"Oh, that," said Montaigne, with a smile, "is Mr. William Shortley, commonly called Billy Shortlegs. He is very popular, well up in classics, and stands a good chance of being Governor some day. Shall I introduce you?"

"Thank you, presently. Whom are they calling for now?" inquired Sir Hugh, as a chorus of voices cried out 'Amos Blackstone! Amos Blackstone! Amos, Amos, Amos!'

"Montaigne himself was chanting 'Blackstone! Blackstone!' with great gusto. When that gentleman rose, a perfect storm of cheers went up, during which Montaigne said: 'Now you will hear something, Sir Hugh. I shall want to know what you think of him.'

"Sir Hugh put up his eye-glass, not that his sight was defective but the occasion was important. Mr. Amos Blackstone had arrived at the dignified age of three score years. In some respects he curiously resembled the previous speaker, though considerably his senior. He stood perhaps five feet five inches in his boots. With the exception of his legs, he was a heavily built man, with a large head, an ample brow, a hairless face, very red, with large cheeks, and an under jaw like a lion. His eyes were small, but wonderfully bright and intelligent. He looked so portentously solemn, that when you learnt that he was perfectly well in mind, body and estate, the inclination to laugh was irresistible. This remarkable man began to speak in a husky, asthmatical voice, that gradually came out of the clouds and grew clear. His subject was, 'The Abstention of our Young Men from Politics: Causes and Cure.' He was evidently a master of his subject, and spoke without notes. He was absolutely without any pretence to oratory; and yet for thirty minutes he played upon his audience as it were a pipe, and plucked out the heart of its mystery. He was by turn, serious, merry, doleful, witty, pathetic, humorous, ironical and gravely philosophic. When he was gay in speech, his face was funereal, and during the utterances of his grave reflections, his face was lighted up with a winning smile. There were moments when one might have heard a pin drop; when one could not have heard his name, if shouted, for laughter; when one's eyes gathered a sudden mist.

"Sir Hugh did not once remove his eye-glass; he would have put up half a dozen glasses had he had them.

"Well," enquired Montaigne, as the after-cheering subsided. 'A grave, melancholy intellect, with a sprightly temperament; a wonderful man. Who is he?' asked Sir Hugh, dropping his glass.

"His name, as you know is Amos Blackstone; he lives some miles away; but he is a household name.'

"Is he in business?"

"Yes, a lawyer; a patent lawyer. Have you ever heard of an institution called the Political Boss?"

"Oh, yes. At home we use him to a degree, as a sort of political Black Bogey, to scare naughty children who like to play at Radicalism.'

"Well, Amos Blackstone is a specimen of the Political Boss.'

"Indeed? You surprise me," gasped Sir Hugh. 'Don't mistake me; they are not all like him. He is a lion among jackals; the best political organizer in the State. But he is getting crowded out by younger men. We soon turn our war-horses out to pasture, in this country,' explained Montaigne."

No man among his contemporaries in Massachusetts had a larger number of devoted friends than

Adin Thayer. Many people who were not counted among his acquaintances were attached to him by sympathy of political opinions and by gratitude for his important service to the Commonwealth. He did a thousand things for the benefit of the city, for the benefit of the State. Many bad men found that somehow their ambitions were nipped in the bud by a process they could hardly understand, and many good men were called into the public service in obedience to a summons from a hand the influence of which they never discovered. But there were four things he largely helped to do which were important and conspicuous in our history; I will not say things that he did, but they were things which would not have been done, in my judgment, if the power and influence of Adin Thayer had been subtracted; things accomplished with difficulty and with doubt. He stood by Charles Sumner when that great and dangerous attempt was made to banish him from public life in the year 1862. It was a time when Charles Sumner, as he told me himself, could not visit the college where he was graduated, and be sure of a respectful reception, when a very important Republican paper, the most important and influential Republican paper in Massachusetts, declared that Charles Sumner could not address a popular audience in New York with personal safety; when, under the lead of the United States District Attorney, one of the most successful managers of a political meeting who ever existed in Massachusetts, an attempt was made to defeat a resolution of confidence in him, in the Republican State Convention (when the whole of the House of Representatives, or of the Caucus, or of the Convention, was on one side and Richard H. Dana was on the other, it was about an even chance which came out ahead), Thayer stood by Mr. Sumner in that memorable State Convention, and helped save his great career to the country and to liberty.

He was a devoted supporter of John A. Andrew. Andrew had been Governor the traditional three years, and there were men eager to supplant him. When Adin heard of a formidable meeting called for that purpose, he exclaimed—I remember very well the indignation with which he said it—"They shall not lay their hands on the Lord's Anointed." He sent a message to the meeting that he would fight their candidate in every school district in Massachusetts. The scheme was abandoned.

He was largely responsible for the defeat of the scheme for substituting biennial for annual election, and biennial sessions of the Legislature for yearly sessions in Massachusetts, although it did not receive its deathblow at the hands of the people until after his death.

But his chief service, after all, was in keeping the government of Massachusetts clean and incorruptible, at the time of the great raid which was made upon the Republican Party in the years between 1871 and 1883. And yet, in all these services and contests he never appealed to a base passion or to a low ambition in any man. He summoned the nobility in men, and it answered to his call. He loved with the whole intensity of his nature, his country, his Commonwealth, and the city which was his home. He loved the great cause of human freedom and equality with the passionate devotion which a lover feels for his mistress. He was the most disinterested man I ever knew in public life. He was not devoid of ambition. He believed that the holding of public office was the best method of accomplishing public results. But, as I have already said, when the time came, he always subordinated his own desire to what he deemed the welfare of the public.

He had, I think, one favorite poem. He was fond of all good literature, especially the Bible, and was never without its resources to illustrate or make emphatic what he had to say. But there was one poem which was written to describe his and my intimate friend, George L. Stearns, which I think was his favorite above all the literature with which he was acquainted. I have often heard him quote its verses. They set forth the character and quality and life of Adin Thayer himself. If Thayer had died before Stearns, I believe Whittier would have written the same thing about him. They are familiar to my readers, I am sure, but I will close this brief and imperfect tribute by citing them once more:

He has done the work of a true man,—
Crown him, honor him, love him.
Weep over him, tears of women,
Stoop, manliest brows, above him!

* * * * *

For the warmest of hearts is frozen,
The freest of hands is still;
And the gap in our picked and chosen
The long years may not fill.

No duty could overtask him,
No need his will outrun;
Or ever our lips could ask him,
His hands the work had done.

He forgot his own soul for others,
Himself to his neighbor lending;
He found the Lord in his suffering brothers,
And not in the clouds descending.

* * * * *

Ah, well!—The world is discreet;
There are plenty to pause and wait;
But here was a man who set his feet
Sometimes in advance of fate,—

Plucked off the old bark when the inner
Was slow to renew it,
And put to the Lord's work the sinner
When saints failed to do it.

Never rode to the wrong's redressing
A worthier paladin.
Shall we not hear the blessing,
"Good and faithful, enter in!"

CHAPTER XXI POLITICAL CORRUPTION

John Jay said that the greatest achievements of diplomacy were often little noted by history and that their authors got, in general, little credit. He compared it to the work of levelling uneven ground of which the face of the earth will show no trace when it is done. The same thing is true of successful battles with political corruption in high places, the most formidable peril to any Government and, if it be not encountered and overcome, fatal to a Republic. A nation will survive a corrupt minister or monarch, but a corrupt people must surely and speedily perish. We have had sporadic examples of corruption in high office at several periods in our history. The first sixteen years after the inauguration of the Constitution, including the Administrations of Washington, John Adams, and the first four years of Jefferson, were by no means free from it. But it never got so dangerous a hold upon the forces of the Government, or upon a great political party, as in the Administration of General Grant.

General Grant was an honest and wise man. History has assigned him a place among our great Presidents. He showed almost unerring judgment in military matters. He rarely, I suppose, if ever, made a mistake in his estimate of the military quality of a subordinate, or in a subordinate's title to confidence. But he was very easily imposed upon by self-seeking and ambitious men in civil life. Such men studied his humors and imposed upon him, if not by flattery, yet by the pretence of personal devotion. He had been himself bitterly and most unjustly assailed by partisan and sectional hostility. When any person to whom he had once given his confidence was detected in any low or corrupt action Grant was very unwilling to believe or even to listen to the charge. He seemed to set his teeth and to say to himself: "They attack this man as they attack me. They attack him because he is my friend. I will stand by him." So it happened that attempts to secure pure and unselfish administration got little help from him, and that designing and crafty men whose political aims were wholly personal and selfish got his ear and largely influenced his appointments to office.

Hamilton Fish, the Secretary of State, always retained his influence with President Grant. He was a wise, able and thoroughly honest man. But as was fit, and indeed necessary, he kept himself to the great interests which belonged to his Department, and took little share, so far as the public knew, in other questions.

General Cox, of Ohio, was an able, brave and upright man. He resigned from President Grant's Cabinet, alleging as his reason that he was not supported in the fight with corruption. Judge Hoar strenuously insisted that the Judges of the newly created Circuit Courts of the United States should be made up of the best lawyers, without Senatorial dictation. President Grant acted in accordance with his advice. The constitution of the Circuit Courts gave great satisfaction to the public. But leading and influential Senators, whose advice had been rejected, and who were compelled by the high character of the persons nominated to submit, and did not venture upon a controversy with the President, were intensely angry with the Attorney-General. The result was that when he was nominated by the President for the office of Associate Justice of the Supreme Court of the United States, he was rejected by the Senate. A few Senators avowed as a pretext for their action that there was no Judge on that Bench from the South, and that the new appointee ought to reside in the Southern Circuit. But these gentlemen all voted for the confirmation of Mr. Justice Bradley, a most admirable appointment, to whom the same objection applied. Judge Hoar never doubted that the service of a clean, able, upright

Circuit Court, appointed without political influence, and entirely acceptable to the public, was well worth the sacrifice. Indeed the expression of public regard which came to him abundantly in his lifetime, and which was manifested in the proceedings of the Bar of Massachusetts, and the Massachusetts Historical Society, and in the press of the country after his death, was more valued by those to whom his memory is dear, than a thousand offices.

When I entered Congress in 1869 the corridors of the Capitol and the Committee rooms were crowded with lobbyists. The custom of the two Houses permitted their members to introduce strangers on the floor. It would not be profitable to revive all the scandals of that time. In general the men elected to the Senate and the House were honest and incorruptible. There were some exceptions. Adroit and self-seeking men were often able in the multitude of claims which must necessarily be disposed of by a rapid examination, to impose on Committees of the two Houses.

As one of the managers of the Belknap trial, I alluded to some of the more prominent and undisputed examples of corruption, in the following words:

"I said a little while ago that the Constitution had no safeguards to throw away. You will judge whether the public events of to-day admonish us to look well to all our securities to prevent or power to punish the great guilt of corruption in office. We must not confound idle clamor with public opinion, or accept the accusations of scandal and malice instead of proof. But we shall make a worse mistake if, because of the multitude of false and groundless charges against men in high office, we fail to redress substantial grievances or to deal with cases of actual guilt. The worst evil resulting from the indiscriminate attack of an unscrupulous press upon men in public station is not that innocence suffers, but that crime escapes. Let scandal and malice be encountered by pure and stainless lives. Let corruption and bribery meet their lawful punishment.

"My own public life has been a very brief and insignificant one, extending little beyond the duration of a single term of Senatorial office; but in that brief period I have seen five judges of a high court of the United States driven from office by threats of impeachment for corruption or maladministration. I have heard the taunt, from friendliest lips, that when the United States presented herself in the East to take part with the civilized world in generous competition in the arts of life, the only product of her institutions in which she surpassed all others beyond question was her corruption. I have seen in the State in the Union foremost in power and wealth four judges of her courts impeached for corruption, and the political administration of her chief city become a disgrace and a by-word throughout the world. I have seen the chairman of the Committee on Military Affairs in the House, now a distinguished member of this court, rise in his place and demand the expulsion of four of his associates for making sale of their official privilege of selecting the youths to be educated at our great military school. When the greatest railroad of the world, binding together the continent and uniting the two great seas which wash our shores, was finished, I have seen our national triumph and exultation turned to bitterness and shame by the unanimous reports of three committees of Congress—two of the House and one here—that every step of that mighty enterprise had been taken in fraud. I have heard in highest places the shameless doctrine avowed by men grown old in public office that the true way by which power should be gained in the Republic is to bribe the people with the offices created for their service, and the true end for which it should be used when gained is the promotion of selfish ambition and the gratification of personal revenge. I have heard that suspicion haunts the footsteps of the trusted companions of the President.

"These things have passed into history. The Hallam or the Tacitus or the Sismondi or the Macaulay who writes the annals of our time will record them with his inexorable pen. And now when a high Cabinet officer, the Constitutional adviser of the Executive, flees from office before charges of corruption, shall the historian add that the Senate treated the demand of the people for its judgment of condemnation as a farce, and laid down its high functions before the sophistries and jeers of the criminal lawyer? Shall he speculate about the petty political calculations as to the effect on one party or the other which induced his judges to connive at the escape of the great public criminal? Or, on the other had, shall he close the chapter by narrating how these things were detected, reformed and punished by Constitutional processes which the wisdom of our fathers devised for us, and the virtue and purity of the people found their vindication in the justice of the Senate?"

This passage was quoted very extensively by the Democratic speakers all over the country, and was circulated as a campaign document. I was reproached by some of my Republican associates for furnishing ammunition for the enemy. But I was satisfied, and I am now, that in saying what I did I rendered a great service to the Republican Party. What was said helped to arouse public attention, and the masses of the people—always pure and incorruptible—set themselves earnestly and successfully to reform the abuses.

It never occurred to me that these abuses furnished any reason for placing the powers of the

Government in the hands of the Southern Democracy, or their ally, Tammany Hall. If the men who saved the Union were not to be trusted to keep it pure; if the men who abolished slavery could not carry on a Government in freedom and in honor, certainly it was not likely that the men of Tammany Hall, or the men who had so lately attempted to overthrow the Government, would do it any better.

I happened to be at lunch with General Garfield just after the Belknap trial. He spoke of my argument, and expressed his strong sympathy and approval. I told him that I had been looking into the history of the first sixteen years of the Government, which included the Administrations of Washington and John Adams and the first term of Jefferson, and that in my opinion there was not only more corruption in proportion than there had been under Grant, but there had been more in amount, notwithstanding the difference in population. I stated to him a good many instances. He urged me to make a speech in which I should say publicly what I had said to him. I acted on his advice, and in the course of a speech, in reply to Mr. Lamar, of Mississippi, I spoke as follows:

"The Republican Party, as I have said, has controlled the Government for sixteen years, a term equal to that which covers the whole Administration of Washington, the whole Administration of John Adams, and the first term of Jefferson. It has been one of those periods in which all experience teaches us to expect an unusual manifestation of public corruption, of public disorder, and of evils and errors of administration. A great war; the time which follows a great war; great public debts; currency and values inflated; the exertion of new and extraordinary powers for the safety of the State; the sudden call of millions of slaves to a share in the Government—any one of these things would be expected to create great disturbances, and give rise to great temptations and great corruptions. Our term of office has seen them all combined. And yet I do not scruple to affirm that not only has there been less dishonesty and maladministration in the sixteen years of Republican rule proportionally to the numbers and wealth of the people than in the first sixteen years after the inauguration of Washington, but there has been less absolutely of those things.

"Now, Mr. Speaker, I do not wish to be misunderstood. I do not wish to be misrepresented in this matter. Let no man assert that I refer to the evils of those days as either excuse or palliation for the evils of ours. That generation was a frugal and honest generation in the main, and they would have visited with the swiftest condemnation and punishment, every breach of public trust, whether through dishonesty or usurpation. But they did not send to England for Benedict Arnold. They did not restore the Tories to power. They did not go down on their knees to George III. and ask him to take them back into favor. They believed that if the Constitution could not be administered honestly by a majority of the friends of the Constitution, it could not be administered honestly by a majority of its enemies; that if liberty were not safe and pure in the hands of those who loved her, then liberty was a failure upon the earth, and they did not think of intrusting her to the hands of those who hated her. So in this generation, had they lived to-day, they would have done simply what a distinguished president of the convention in my own State, whom the gentleman quotes, recommended; they would have taken the Government from the hands of the lovers of liberty who are dishonest and put it into the hands of men who entertain the same sentiments but who are honest. It never would have occurred to them that because among one hundred thousand men there are found some few who will not keep the eighth commandment, 'Thou shalt not steal,' which is a mandate for all the public service, they should put in power men who have no regard for the sixth, 'Thou shalt not kill.'"

There were several conspicuous instances of corruption with which I had personally to deal.

1. One was the Credit Mobilier.

Two Committees were appointed to investigate the affairs of the Union Pacific Railroad Company, and the Credit Mobilier of America. One Committee investigated the conduct of some members of the two Houses of Congress against whom some charges had been made. Of that Committee Judge Poland of Vermont was the Chairman. The other Committee investigated the history of the Union Pacific Railroad Company to report whether its charter had been forfeited. Of that Committee Jeremiah M. Wilson of Indiana, a very able lawyer and accomplished gentleman, was Chairman. The next member to him on the Committee was Judge Shellabarger of Ohio. Owing to reasons, stated later, it fell to me as the next in rank to conduct the greater part of the examination, and to make the report.

2. Another was the impeachment and trial of General William W. Belknap, Secretary of War, for receiving a bribe for the appointment of a Post Trader.

3. A third example of the prevalent laxity of morals that occurred was the case of the Sanborn contracts. I was a member of the House when they were investigated, but took no special part in the proceedings.

4. A fourth example was the claim of Senators and Representatives which had been asserted in Andrew Johnson's Administration, and to which General Grant had partly yielded, to dictate the

appointment of executive officers. In that way a vast army of public servants, amounting to more than one hundred thousand in number, who were appointed and removed at the pleasure of the Executive, became first the instrument of keeping the dominant party in power, and afterward became not so much the instruments and servants of party as the political followers of ambitious men to whom they owed their office, and on whose pleasure they depended for maintaining them. I made, in a speech at West Newton in 1876, an earnest attack on this system, and afterward in the Senate had a good deal to do with framing the Civil Service Law, as it was called, which put an end to it.

5. Perhaps the most dangerous attack upon the purity of the Government was the attempt of General Butler to get possession of the political power in Massachusetts, and ultimately that of the country. What I was able to do to resist and baffle that attempt is the most considerable part of the public service of my life, if it has been of any public service.

I shall speak of each of these a little more fully.

The responsibility for three of these, I regret to say, rested upon Massachusetts men, members of the Republican Party. The Union Pacific Railroad Company and the Credit Mobilier were made up largely of prominent Massachusetts men for whom General Butler acted as counsel. When Mr. Ames was on trial before the House of Representatives General Butler, then a member of the House, appeared as a member and took part and made the extraordinary statement to the House that he was there as counsel for Mr. Ames.

Sanborn, who made the contracts, was a Massachusetts man. His profits were used largely in affecting elections in Massachusetts. The Treasury officials who were in fault, whether through carelessness or corruption, were Massachusetts men, and the arch contriver of the scheme was a Massachusetts man.

Yet the lesson which these things have taught me is that the American statesman who believes that the doctrines of his party are sound should never abandon his principles or quit political life because of its corruption. Let him never for any political advantage support or tolerate a corrupt man, or vote for a corrupt candidate. If a man whose principles are good will yield to an evil motive, it is not likely that the man whose principles are bad will resist it. The American people are upright and honest. They will vindicate and stand by any man in the contest for honesty and uprightness, be he Democrat or Republican, so long as they believe that the ends for which he is striving are for the public good. They will not sustain a man whose counsel they think bad, however honest he may be in his own conduct, or however much he may desire to secure honesty in the conduct of others. No man ever yet accomplished much good by abandoning his party while he continued to hold its principles. Many men have accomplished a great deal of good by striving to purify it.

Every account of political history from the inside will exhibit abundant evidence of wickedness, wrongdoing, and petty personal motives, of low ambitions, of bargains and sales, of timidity, of treachery. The reverse of the most costly tapestry looks mean and cheap. It is said that no man is a hero to his valet. The reason is not that the hero is mean or base, but that the valet cannot see anything that is great and noble, but only what is mean and base. The history of no people is heroic to its Mugwumps. But, thank God, what is petty and personal is also temporary and perishable. The voice of all history, especially the voice of the history of our Republic, speaks to us the lesson which our great philosopher taught and so implicitly believed,

Saying, What is excellent,
As God lives, is permanent.

CHAPTER XXII CREDIT MOBILIER

During the election of 1872 many rumors appeared in the press of the country that there had been great corruption in the management of the affairs of the Union Pacific Railroad. It was charged that the members of the House and Senate, some of whom were named, had been bribed by gifts of stock in the Credit Mobilier to secure their influence in legislation affecting the Union Pacific Railroad.

The Credit Mobilier Co. had been formed to take the contract for building the Union Pacific Railroad. The stockholders of the two companies were identical. Each stockholder of the Credit Mobilier owned a number of shares of the Union Pacific Railroad proportional to his holding in the former company.

The Union Pacific Railroad Company and Central Pacific Railroad Company received liberal land grants from the Government of the United States, that they might each build a part of the line which should connect the Atlantic States with the Pacific Ocean. In addition to the land grants, each road was to receive a loan of Government bonds, payable in thirty years, of \$27,000,000, for which the

Government was to pay interest, which interest was not required to be repaid by the roads. The roads were also authorized to give a mortgage on their properties for a like amount, of \$27,000,000 each, which mortgage was to be prior to the Government's lien for its loan. The charter of the Union Pacific Railroad was granted by the Government of the United States. That of the Central Pacific was from the State of California. The Government undertook to remove all Indian titles from the public land granted to the Union Pacific Railroad for a space of 200 feet in width on each side of its entire route, and conferred the right to appropriate by eminent domain necessary private land for depots, turnouts, etc., and public lands to the amount of ten alternate sections per mile, within the limits of twenty miles on each side of the road. It was required by the charter of the Union Pacific Railroad that its stock should be paid in full in cash, and that the interests of the Government should be specially protected by the appointment by the President of five Government Directors. The Government bonds were to be handed over on the certificate of an officer appointed by the President, as the road advanced to completion. It was required that a Government Director should be a member of every Committee, standing or select.

The managers of the Union Pacific Railroad acquired the franchise of a Pennsylvania Company, known as the Credit Mobilier, divided its stock among themselves in proportion to their ownership in the Union Pacific Railroad, mortgaged the road to the extent permitted by the act of Congress, being a little more than \$27,000,000 and mortgaged their land grants for a further sum of \$10,000,000. Then they made a contract with the Credit Mobilier Company to construct the road at a price which would exhaust all the resources of the road, including the proceeds of the bonds of all kinds, and divided the proceeds among themselves as dividends on the stock of the Credit Mobilier. This left the Union Pacific Railroad to begin business mortgaged to its full value, without any resources for its operation, and utterly stripped of the ample endowment which the bounty of the Government had provided for it.

Congress supposed when this munificent grant of land and loan of credit was made it would create a great public highway across the continent for the use of the Government and the people, in war and peace, which should be a strong, solvent corporation, ready for every emergency, and as secure for the public use as New York Harbor, or as the Pacific Ocean.

The devisers of this scheme soon got to quarrelling among themselves. One faction was made up largely of Boston capitalists, and the other of men belonging in New York, New Jersey and Connecticut. The former wanted to have the headquarters of the corporation in Boston, with a Boston man for President; and the latter desired to have the management in New York. A suit in equity was brought, and the Boston men, headed by Oakes Ames, a member of Congress, and his brother Oliver, both eminent and highly respected business men of Massachusetts, were enjoined from voting at a stockholders' meeting held in New York for the election of officers. The injunction was issued by Judge Barnard, who was afterward impeached, and removed from office. On the day of the stockholders' meeting General Butler, counsel for the Ames faction, found Judge Barnard at lunch, and got him so to modify the injunction as to permit that the votes might be cast, the result of the election not to be declared until the further order of the Court. The other faction who had rested with fancied security under their injunction were taken by surprise.

The Ames ticket had a majority. Thereupon one of the other faction wrote a letter to Elihu B. Washburn, at Washington. He was an influential member of the House of Representatives, known as the "Watch Dog of the Treasury." The letter was put in the post-office. It exposed the whole transaction. He then informed his opponents what he had done. They knew very well that if Washburn moved an investigation by the House of Representatives, which was likely, the game was up. No further bonds would come from the United States Treasury. Judicial proceedings would in all likelihood be taken at once to annul the charter, or restrain further action under it. They instantly came to terms. The two factions agreed on a Board of Directors. The letter to Washington was withdrawn from the mail. Oakes Ames received a quantity of the stock of the Credit Mobilier, which he was to distribute among influential members of Congress at par, "putting it," according to his testimony given before a Committee afterward, "where it would do the most good." A list of members of the two Houses was agreed upon, to whom the stock should be offered. It was expected that they would pay for it at par. But there had been already a large dividend assigned to it, which with the dividend expected to be paid shortly, would amount to much more than the nominal par value of the stock. So the purchase of one of the shares was like purchasing for \$1,000 a bank account which already amounted to, or shortly would amount to, more than double that sum.

A list of the men who were to be induced to take this stock was made out with wonderful and prophetic sagacity. It contained some of the ablest and most influential men in the two Houses of Congress, representing different parts of the country. It included men as conspicuous for integrity as ability. Each of them occupied already a great place in the respect of his countrymen, and nearly every one of them attained a much greater place afterward. This is the list of the members of Congress to whom stock was to be conveyed:

LIST OF MEMBERS OF CONGRESS TO WHOM STOCK WAS TO BE SOLD AGREED UPON IN NEW YORK, ENTERED IN OAKES AMES'S MEMORANDUM BOOK, AND TAKEN BY HIM TO WASHINGTON

James G. Blaine of Maine.
Senator James W. Patterson of New Hampshire.
Senator Henry Wilson of Massachusetts.
Schuyler Colfax of Indiana.
Thomas D. Eliot of Massachusetts.
Henry L. Dawes of Massachusetts.
George S. Boutwell of Massachusetts.
James A. Garfield of Ohio.
Glenni W. Schofield of Pennsylvania.
William D. Kelley of Pennsylvania.
Joseph F. Fowler of Tennessee.
John A. Bingham of Ohio.
Senator James A. Bayard of Delaware.
William B. Allison of Iowa.
James F. Wilson of Iowa.
Roscoe Conkling of New York.
James Brooks of New York.
John A. Logan of Illinois.

When Mr. Ames got to Washington he added the names of several Senators to his list, some of whom took the stock.

It will be seen by an examination that men of great ability and influence were very skilfully selected. Two of them afterward became Vice-Presidents of the United States. One of them became President of the United States. Another became Secretary of the Treasury. Two others became Speakers of the House. Five others were very prominent candidates for the Presidency. Another was Chairman of the Judiciary Committee of the House. Another became Chairman of the Committee on Appropriations and subsequently of Ways and Means. Nine of these gentlemen, then members of the House, were afterward elected to the Senate.

Mr. Blaine, Mr. Eliot, Mr. Bayard, Mr. Conkling and Mr. Boutwell refused absolutely to have anything to do with the transaction. All the others were fully acquitted on investigation, by the judgment of the House, of any corrupt purpose or any desire to make money or get private advantage by reason of their official influence, or of any expectation that they would be likely to be called upon to take or refuse any action by reason of their relation to these corporations. It was thought that they had been careless in that they had not been put on their guard by the fact that so large a dividend was to be paid on the stock. In all cases the amounts received were very small, in general not amounting to more than \$1,000. In two or three instances the people thought there was want of candor or frankness in telling the full transaction to the public, when the newspaper charges first made their appearance.

Henry Wilson never had any of the stock. But some of his friends made a present of a small sum of money to Mrs. Wilson, and the persons having the matter in charge invested a portion of it in Credit Mobilier stock. As soon as Wilson heard of it, he directed that the stock be reconveyed to the person from whom it had been received, and gave his wife a small sum of money to make up the difference of what turned out to be the value of the stock and the value of the investment which had been made in its place. There was no lack of the most scrupulous integrity in the transaction. Wilson met at a great public meeting Gen. Hawley, who was one of the speakers. Hawley told Wilson on the platform just before his speech that he understood that his name had been mentioned in the papers as the owner of Credit Mobilier stock. Wilson answered that he never had any of it. Thereupon Hawley in his speech alluded to that matter and said he was authorized by Mr. Wilson to say that he never owned any of the stock. Mr. Wilson did not get up and say, No, I never owned any. But my wife once had a present of a little money which was invested in it, and as soon as I heard of it, I immediately had it returned to the person from whom it came, and I made up the loss to my wife myself. Such, however, was the public excitement that his omission to do that was held in some quarters as culpable want of frankness.

All the persons who received any of the stock and told the story frankly at the investigation were acquitted of any wrongdoing whatever, and never in the least suffered in esteem in consequence.

But Schuyler Colfax and Senator Patterson of New Hampshire were found by the Committee, and believed by the people to have been disingenuous in their account of the transaction. The Senate Committee of investigation reported a resolution for the expulsion of Senator Patterson. The case was a very hard one indeed for him. The Senate adjourned, and his term expired without any action on the resolution, or any opportunity to defend himself.

Schuyler Colfax was also held to have given an untruthful story of the transaction. But the public attention was turned from that by the discovery, in the investigation of his accounts which the Committee made, that he had received large sums of money from a person for whom he had obtained a lucrative Government contract. But his term of office as Vice-President expired before any action could be taken, and he died soon after.

Mr. Ames, whose character as a shrewd and skilful investor and manager of property stood deservedly high, recommended to his friends the stock of the Credit Mobilier as a safe investment, and one in his judgment very sure to prove profitable.

It has been often asked how the managers of the Credit Mobilier could be guilty of bribing men when nobody was guilty of being bribed. But the answer is easy. The managers of the Credit Mobilier knew that they had violated the law, and that an investigation would ruin their whole concern. The men who received the stock were in ignorance of this fact. It was as if the managers of a railroad whose route under State laws is to be determined by a city council, or a board of selectmen or some other public body, should induce the members of such a board to take stock in their enterprise, intending afterward to petition the body to which the subscribers belonged to adopt a route very near land owned by them, which would much increase its value, the receivers of the stock being ignorant of their scheme. The person who should do that would be justly chargeable with bribery, while the persons who received the stock would be held totally innocent. That was the judgment of the House of Representatives which acquitted the members who had received the stock, but held Ames, who had conducted the transaction, censurable. A large number of the members voted for his expulsion. Ames was a successful business man. He was regarded by his neighbors as a man of integrity. He was generous and public spirited. But he and his associates in the Union Pacific Railroad seemed, in this matter, to be utterly destitute of any sense of public duty or comprehension of the great purposes of Congress. They seemed to treat it as a purely private transaction, out of which they might get all the money they could, without any obligation to carry out the act according to its spirit, or even according to its letter, if they could only do so without being detected. They seemed to have thought they were the sole owners of the Union Pacific Railroad and of the Credit Mobilier corporation, and that the transaction between the two concerned themselves only and not the public. They treated it as if they were transferring money from one pocket to another.

When Congress met in December, Mr. Blaine, the Speaker, who had been one of the persons implicated by public rumor, although in fact he had refused absolutely to have anything to do with the transaction, left the Chair, and, calling Mr. Cox of New York to his place, introduced a resolution calling for an investigation of the affairs of the Union Pacific Railroad.

Two Committees were appointed. One, of which Judge Poland was Chairman, undertook to deal with the charges against the members of the House of Representatives. The other, of which Jeremiah M. Wilson of Indiana was Chairman, was directed to inquire into the entire management of the affairs of the Union Pacific Railroad and the Credit Mobilier. I was a member of this last Committee. A Committee was appointed also in the Senate, with direction to inquire into the charges so far as they affected Senators. The whole country was profoundly excited by the affair.

I stood third on the Committee on which I was a member. It was thought best that Mr. Wilson, the Chairman, who was a very able and distinguished lawyer, should go to Boston where the books of the Companies were kept, and make a searching examination of their books and accounts. Mr. Shellabarger of Ohio, the second member on the Committee, one of the ablest lawyers in the House, was in poor health. He consented to serve only on the condition that he should not be compelled to do any duty requiring any considerable labor. So I had to a large degree the charge of the investigation in Washington, where the witnesses were examined, and in the end the duty of preparing the report.

We did not deal in our report with the alleged misconduct of the individual members of the House, but solely with the two corporations. The report sets forth the transaction at length, and contains the following summary of the Committee's conclusions:

The purpose of the whole act was expressly declared to be "to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure the Government at all times, but particularly in time of war, the use and benefit of the same for postal, military, and other purposes."

Your committee cannot doubt that it was the purpose of Congress in all this to provide for something more than a mere gift of so much land, and a loan of so many bonds on the one side, and the construction and equipment of so many miles of railroad and telegraph on the other.

The United States was not a mere creditor, loaning a sum of money upon a mortgage. The railroad corporation was not a mere contractor, bound to furnish a specified structure and nothing more. The

law created a body politic and corporate, bound, as a trustee, so to manage this great public franchise and endowment that not only the security for the great debts due the United States should not be impaired, but so that there should be ample resources to perform its great public duties in time of commercial disaster and in time of war.

This act was not passed to further the personal interests of the corporators, nor for the advancement of commercial interests, nor for the convenience of the general public, alone; but in addition to these the interests, present and future, of the Government, as such, were to be subserved. A great highway was to be created, the use of which for postal, military, and other purposes was to be secured to the Government "at all times," but particularly in time of war. Your committee deem it important to call especial attention to this declared object of this act, to accomplish which object the munificent grant of lands and loan of the Government credit was made. To make such a highway and to have it ready at "all times," and "particularly in time of war," to meet the demands that might be made upon it; to be able to withstand the loss of business and other casualties incident to war and still to perform for the Government such reasonable service as might under such circumstances be demanded, required a strong, solvent corporation; and when Congress expressed the object and granted the corporate powers to carry that object into execution, and aided the enterprise with subsidies of lands and bonds, the corporators in whom these powers were vested and under whose control these subsidies were placed, were, in the opinion of your committee, under the highest moral, to say nothing of legal or equitable obligations, to use the utmost degree of good faith toward the Government in the exercise of the powers and disposition of the subsidies.

Congress relied for the performance of these great trusts by the corporators upon their sense of public duty; upon the fact that they were to deal with and protect a large capital of their own which they were to pay in money; upon the presence of five directors appointed by the President especially to represent the public interests, who were to own no stock; one of whom should be a member of every Committee, standing or special; upon the commissioners to be appointed by the President, who should examine and report upon the work as it progressed; in certain cases upon the certificate of the chief engineer, to be made upon his professional honor; and lastly, upon the reserved power to add to, alter, amend, or repeal the act.

Your committee find themselves constrained to report that the moneys borrowed by the corporation, under a power given them, only to meet the necessities of the construction and endowment of the road, have been distributed in dividends among the corporators; that the stock was issued, not to men who paid for it at par in money, but who paid for it at not more than thirty cents on the dollar in road making; that of the Government directors some of them have neglected their duties and others have been interested in the transactions by which the provisions of the organic law have been evaded; that at least one of the commissioners appointed by the President has been directly bribed to betray his trust by the gift of \$25,000; that the chief engineer of the road was largely interested in the contracts for its construction; and that there has been an attempt to prevent the exercise of the reserved power in Congress by inducing influential members of Congress to become interested in the profits of the transaction. So that of the safeguards above enumerated none seems to have been left but the sense of public duty of the corporators.

The Judge Poland Committee investigated the conduct of the members who were suspected and acquitted all but two. The House accepted their decision. They recommended the expulsion of Mr. Ames and of James Brooks, one of the Democratic members. There were some special circumstances in the case of Brooks, which it is not necessary to recite. Brooks died before a vote on his case was taken. The House by a majority amended the resolution reported by the Committee in the case of Mr. Ames, and recommended a vote of censure, which was passed. Ames felt the disgrace very keenly, and did not live very long afterward.

These disclosures did much to bring about the uneasy condition of the public mind which led to the Republican defeat in the election of members of the House of Representatives in the fall of 1874, and brought Tilden so near to an election in 1876.

But it may fairly, I think, be said for the majority of the Republican Party in both houses of Congress, and the majority of the Republican Party in the country, that they did their very best to deal firmly and directly with any fraud or wrongdoing that came to light, even if their own political associates were the guilty parties. The political atmosphere has been purified as compared with the condition of those days. The lobbyist is not seen in the Committee Room or the Corridor of the Capitol, as was the case when I entered Congress in 1869. I ought perhaps to say that I think the acquittal of Belknap on the ground that the Senate has no jurisdiction to render judgment against a civil officer on process of impeachment after he has left office, was influenced by political feeling. I do not think most of the Republican Senators who voted that way would have so voted if the culprit had been a Democrat. But there were many able lawyers who thought the opinion of these Senators right.

CHAPTER XXIII THE SANBORN CONTRACTS

The forty-second Congress, at its second session, repealed all laws which provided for the payment of moieties, or commissions, to informers, so far as related to internal revenue taxes. But a provision was inserted by the Conference Committee, which attracted no attention, providing that the Secretary of the Treasury might employ not more than three persons to assist the proper officers of the Government in discovering and collecting any money belonging to the United States whenever the same might be for the interest of the United States. The Secretary was to determine the conditions of the contract, and to pay no compensation except out of money received. No person was to be employed who did not file a written statement, under oath, stating the character of the claim under which the money was withheld or due, and the name of the person alleged to withhold the same.

Under this law John D. Sanborn of Massachusetts, an active supporter of General Butler, applied for a contract which he obtained on the 15th of July, 1872, for the collection of taxes illegally withheld by thirty-nine distillers, rectifiers and purchasers of whiskey. He was then himself an employee of the Government as Special Agent for the Treasury Department. Secretary Boutwell being then absent or otherwise unable to attend to his duties, this contract was signed by Assistant Secretary William A. Richardson. Sanborn had already been employed to work up certain whiskey cases for which he had been paid \$3,000 by the Government, and these cases were included in the foregoing contract.

On the 25th of October, 1872, Sanborn made application to have added to his contract the names of 760 persons, alleged to have withheld taxes imposed on legacies, successions and incomes. An additional contract for that purpose was signed by the Assistant Secretary Richardson. On the 19th of March, 1873, Sanborn applied to have the names of more than 2,000 other like persons added to his contract, which Mr. Richardson permitted. On the 1st day of July, 1873, Sanborn again asked to amend his contract, and Assistant Secretary Richardson signed the contract by which the names of 592 railroad companies were included. That was substantially a complete list of the railroad companies of the country. Some of them had been examined by Government officials before the day of the contract, and the claims had been brought to light and found due. Sanborn had no knowledge of any delinquency, except as to about 150 of them. When he so represented to the officers of the Treasury Department he was told that it did not make any difference, and to put them all in. Thereupon he took oath that they were all delinquent, and had them added to the contract.

The form of this contract was taken, in part, from one prepared by Secretary Boutwell, which he had carefully considered with Mr. Kelsey, a subordinate in the Treasury, in June, 1872. That prepared by Mr. Boutwell, if adhered to, would have amply protected the Government. But it was departed from in essential particulars. Under Secretary Boutwell's contract only a small number of claims was included. Sanborn collected, in the course of a year or two, \$427,000, on which sum he received 50 per cent.

The unanimous report of the Committee of the House who investigated the matter was written by Charles Foster of Ohio, afterward Governor, and Secretary of the Treasury. The Committee comprised the following gentlemen: Henry L. Dawes of Massachusetts; W. D. Kelly of Pennsylvania; Horatio C. Burchard of Illinois; Ellis H. Roberts of New York; John A. Kasson of Iowa; Henry Waldron of Michigan; Lionel A. Sheldon of Louisiana; Charles Foster of Ohio; James B. Beck of Kentucky; William E. Niblack of Indiana; Fernando Wood of New York.

The Committee found that a large percentage of the \$427,000 was not a proper subject for contract under the law, and that it would have been collected by the Internal Revenue Bureau in the ordinary discharge of its duty. The law provided that the person with whom it was made should assist the Treasury officials in discovering and collecting, so that the collections were to be made by the Treasury. But the contract in fact signed authorized Sanborn to make the collections, and required the Treasury officials to assist him.

The Committee further called attention to the fact that the law provided that no person should be employed who should not have fully set forth in a written statement under oath the character of the claim out of which he proposed to recover or assist in recovering the moneys for the United States, the laws by the violation of which the same had been withheld, and the name of the person, firm or corporation having withheld such moneys. This provision was disregarded utterly.

The Committee found that the Commissioner of Internal Revenue was not consulted in the matter, nor was any official of his Bureau, nor was he advised as to the making of the contracts or of the character of the claims, although the proper officials of the Government, referred to in the statute, could only have been the officials of the Internal Revenue Bureau. It was shown that the Commissioner of Internal Revenue wrote a letter protesting against the manner of these collections to the Secretary of the Treasury, which was never answered. The Committee found that the Commissioner was studiously ignored by the Secretary of the Treasury and the officials in his office.

The wicked and fraudulent character of the transactions is shown in the report.

When the Committee made their report the matter was debated in the House of Representatives by Governor Foster and other gentlemen who had taken part in the investigation. All these Sanborn transactions were with the Assistant Secretary in Mr. Boutwell's absence, until later Mr. Richardson became Secretary of the Treasury. The Committee unanimously agreed to report a resolution that the House had no confidence in the Secretary of the Treasury, Mr. Richardson, and demanded his removal. President Grant was notified of this conclusion. He sent for the members of the Committee and personally urged them to withhold the resolution, and offered that the Secretary should resign, and that he should be provided for in some other department of the public service. To this the Committee agreed. It was never thought that the Secretary himself profited corruptly by the transaction, but only that he had suffered himself to be hoodwinked. It was unfortunate that nearly all the persons who were connected with this transaction were from New England, most of them from Massachusetts, and several of them from Lowell.

CHAPTER XXIV BENJAMIN F. BUTLER

No person can adequately comprehend the political history of Massachusetts for the thirty-five years beginning with 1850 without a knowledge of the character, career and behavior of Benjamin F. Butler. It is of course disagreeable and in most cases it would seem unmanly to speak harshly of a political antagonist who is dead. In the presence of the great reconciler, Death, ordinary human contentions and angers should be hushed. But if there be such a thing in the universe as a moral law, if the distinction between right and wrong be other than fancy or a dream, the difference between General Butler and the men who contended with him belongs not to this life alone. It relates to matters more permanent than human life. It enters into the fate of republics, and will endure after the fashion of this world passeth away.

I cannot tell the story of my life at a most important period without putting on record my estimate of him, and the nature of his influence over the youth of the Commonwealth. Besides, it is to be remembered that he took special pains to write and to leave behind him a book in which he gave his own account of the great controversies in which he engaged, and bitterly attacked some of the men who thwarted his ambitions. This book he sent to public libraries, including that of the British Museum, where he had good reason to expect it would be permanently preserved.

I shall say nothing of him which I did not say in public speeches or published letters while he was living and in the fulness of his strength, activity and power. History deals with Benedict Arnold, with Aaron Burr, with the evil counsellors of Charles I. and Charles II., with Robespierre, with Barere and with Catiline, upon their merits, and draws from their lives examples, or warnings, without considering the fact that they are dead. This especially is a duty to be performed fearlessly, though with due caution, when it is proposed in some quarters to erect monuments of statues to such men for the admiration of the youth of future generations.

Benjamin F. Butler was born November 5, 1818. He was graduated at Waterville College, now Colby University, in the year 1838. He began the practice of law in Lowell. Compared with other men of equal ability and distinction, he was never a very successful advocate. Quiet and modest men who had the confidence of the courts and juries used to win verdicts from him in fairly even cases. He was fertile in resources. He liked audacious surprises. He was seldom content to try a simple case in a simple way. So that while he succeeded in some desperate cases, he threw away a good many which with wise management he might have gained.

Butler's practice in the beginning was chiefly in the defence of criminals, or in civil cases where persons of that class were parties. There was very likely to be a dramatic scene in court when he was for the defence. His method of defence was frequently almost as objectionable as the crime he was defending. He attacked the character of honest witnesses, and of respectable persons, victims of his guilty clients, who were seeking the remedy of the law. He had many ingenious fashions of confusing or browbeating witnesses, and sometimes of misleading juries. He once asked a medical expert who undertook to testify about human anatomy, in a case of physical injury, this question: "State the origin and insertion of all the muscles of the forearm and hand from the elbow to the tips of the fingers"; and another, "Give a list of the names and the positions of all the bones in the body." This was something like asking a man who claimed to know the English language to give off hand all the words of the English language beginning with a. But it confused a worthy and respectable country doctor, and misled the jury. The best citizen of a country village, or his wife or daughter, who had to testify against a thief or burglar who had broken into a house had to encounter his ruffianly treatment on the witness stand. So Butler became a terror, not to evil-doers but to the opponents of evil-doers throughout the county of Middlesex. Few lawyers liked to encounter his rough speech and his ugly personalities.

He was a Democrat in politics and became quite popular with the poorer class of foreign immigrants who gathered in manufacturing towns and cities like Lowell. He had at first little success in politics for the reason that his party was a small minority in Massachusetts. He was elected to the House of Representatives for the Legislature of 1853. During that session there was a memorable struggle on the part of the Whigs to repeal so much of the act providing for an election of delegates to a Constitutional convention as required the election to be by secret ballot. There was also, as an incident of this struggle, an angry contest in the joint convention of the two Houses held for the purpose of electing some officers required by the Constitution to be chosen by joint ballot. The dispute related to the extent of the authority of the President of the Senate, as presiding officer, to control the joint assembly. Butler was conspicuous in that scene of turbulence and disorder. On the occasion of some ruling by the Whig Speaker, Mr. George Bliss, a worthy and respectable old gentleman, Butler called out in a loud voice: "I should like to knife that old cuss." That utterance was quoted not only all over the Union, but in foreign countries, in England, and on the continent, and in the West Indies, as a proof of the degradation and licentiousness of popular governments. It is a singular fact that a like question as to the authority of the presiding officer of a joint convention of two legislative bodies came up in Congress when the electoral vote was counted, at the time of the election of General Grant in 1868. Butler repeated on a larger stage his disorderly conduct, until Schuyler Colfax, Speaker of the House—although Mr. Wade, President of the Senate, was then presiding over the joint convention—resumed the chair of the House, in order, as Mr. Blaine described it afterward, "to chastise the insolence of the member from Massachusetts."

He was chosen in 1860, when the Democratic Party was divided between the supporters of Douglas and the supporters of Breckenridge, a delegate to the National Convention at Charleston, South Carolina, by the Douglas Democrats of Massachusetts, under instructions to vote for Douglas. Instead, he voted thirty-seven times for Jefferson Davis. There has been but one other instance, I believe, in the history of Massachusetts of such a betrayal of trust. That other related not to candidates but to principles.

Under our political arrangements the presidential elector is but a scribe. He exercises no discretion, but only records the will of the people who elect him. The real selection of the president is made by the nominating conventions. The nominee of the party having a majority becomes the president. A breach of trust by a delegate to a nominating convention is an act of dishonor of the same class with that to which no presidential elector in the United States has yet stooped—a breach of trust by an elector.

General Butler's career upon the national stage began with the episode at Charleston. From that time until his death he was a very conspicuous figure in the eyes of the whole country. There are two or three public services for which he deserves credit. They ought not to be omitted in any fair sketch of his life and character.

First. When, in the earlier days of the Rebellion, there was a doubt whether the Democratic Party would rally to the support of the country, he promptly offered his services. His example was of great importance in determining the question whether the war of sections was also to be a war of parties. He had a large clientage, especially among that class of Irish Americans who were apt in Massachusetts to vote with the Democratic Party. His conduct so far was in honorable contrast with that of some of his influential political associates, and that of some of the old Whigs who never got over their chagrin at the success of the Republican Party.

Second. When the question what would be the treatment of the negroes by the commanders of the Union army was doubtful, and when many persons wished to conciliate the old slaveholders in the border states by disclaiming any purpose of meddling with the institution of slavery, General Butler made a bright and important contribution to the discussion by declaring the negro "contraband of war." I do not know whether this phrase was original with him or no. It has been claimed that he borrowed it. But he undoubtedly made it famous. This tended somewhat to obliterate the effect of the shock caused to the lovers of liberty by his offer to the Governor of Maryland on the day his regiment landed at Annapolis, of his own services and those of the forces under his command, to put down any slave insurrection, in case the negro people should attempt to assert their heaven-born rights.

Governor Andrew wrote to General Butler censuring his offer of the use of the Massachusetts troops, as the first operation of the war, to improve the security of rebels that they might prosecute with more energy their attacks upon the Federal government. The Governor adds: "I can perceive no reason of military policy why a force summoned to the defence of the Federal Government, at this moment of all others, should be offered or diverted from its immediate duty to help rebels, who stand with arms in their hands, in obstructing its progress toward the city of Washington." General Butler answered that "if the contest were to be prosecuted by letting loose the slaves, some instrument other than myself must be found to carry it on." He had been, with a large part of his party, an advocate and supporter of the Fugitive Slave Law, in the days before the war.

Third. He governed the rebel city of New Orleans with great vigor. He understood how to deal with a turbulent and ugly populace. He was not imposed upon by shams or pretences, and treated the old Southern Democracy with little respect. It is probable that his vigorous remedy saved the city from yellow fever.

Fourth. Another thing should be added to his credit, not of moral quality, but of that quality which accounts largely and naturally for his influence with the people. He had a gift of clear, racy and simple speech. He could convey his thought to the apprehension of common men without any loss in the process. His style was of the same class with that of William Cobbett and Horace Greeley, without ornament, not very copious, but simple, clear and vigorous. When these things have been said, nothing remains to be said in his favor.

He had a ready, though rough and coarse wit, suited to the tastes of illiterate audiences and to that class of men who are always delighted when anything is said in disparagement of anybody. I recall two or three examples. He was rather fond of appropriating the bright sayings of others, whether jesting or serious, and claiming credit for them. But he also had a capacity of his own for such things.

I heard him argue a case involving the constitutionality of the bill to annex Charlestown to Boston, before the Supreme Court of Massachusetts. He was interrupted by the Mayor, who was on the other side, a fussy and self-important little person. Butler made the point that the meetings at which the citizens had voted for annexation had not been legal, the notice being not sufficient. The Mayor, who had said it was the practice in Charlestown to hold public meetings on a notice not longer than the one in question. He added: "We only gave a week's notice for our election of Mayor." Butler looked at him a moment, and said: "I should think they got up their Mayor on short notice."

His thrust at S. S. Cox in the House of Representatives attracted the attention of the country. It was in a five-minute debate. Cox had attacked Butler savagely. Butler replied, taking up nearly the whole five minutes with arguing the question before the House, taking no notice of Cox till just he was about to finish. He then said: "There is no need for me to answer the gentleman from New York. Every negro minstrel just now is singing the answer, and the hand organs are playing the tune, 'Shoo Fly, don't bodder me.'"

In the Constitutional Convention of Massachusetts twenty-seven different schemes for a system of representation were pressed. Somebody moved to refer them all to a committee to consist of the persons who had proposed the schemes. "As well refer twenty-seven babies to their twenty-seven mothers to decide which is the prettiest," exclaimed Butler.

His military career was, with the exception I have stated, disgraceful to himself and unfortunate to the country. From the beginning of Butler's recruiting for the war, wherever he was in command came rumors of jobs, frauds, trading with the rebels through the lines, and the putting of unfit persons in responsible positions. The scandal became so great that Governor Andrew—than whom there was never a truer, nobler, braver or more upright man in the executive chair of any State in this country—was compelled to put on public record his indignant denunciation. He said in a letter to Charles Sumner and Henry Wilson, Senators in Congress, December 21, 1861:

"I am compelled to declare with great reluctance and regret, that the course of proceeding under Major-General Butler in this Commonwealth seems to have been designed and adapted simply to afford means to persons of bad character to make money unscrupulously, and to encourage men whose unfitness had excluded them from any appointment by me to the volunteer militia service, to hope for such appointment over Massachusetts troops from other authority than that of the Executive himself."*

[Footnote]

* Schouler's "Massachusetts in the War," Vol. I., p. 276.

[End of Footnote]

The first considerable military operation of which he took charge was a movement upon the rebel forces at Big Bethel. It was rash, unskilful, blundering and lacking both in perseverance and courage. His troops were repulsed with great and needless slaughter.

It is a doubtful and debated question whether General Butler was personally to blame for this terrible and disgraceful repulse. If it were only his misfortune, it is a sample of the misfortunes which attended him throughout the war. It would not have happened to a great or even a fairly good general officer. The best that can be said for him is that if he were without personal blame, that it is the chief incident of a campaign which he went through without credit.

But the worst example of timidity and inefficiency in American military history, not excepting Hull's surrender, was the attempt and repulse at Fort Fisher. I do not mean when I say timidity, personal

cowardice. But I mean the fear of the ordinary risks which accompany every bold and successful operation in war. This timidity is not infrequently, as it was in this case, characteristic of men who thrust themselves into places for which they are not fit.

It was highly important to capture Wilmington, of which Fort Fisher was the key. It was the last remaining gateway for the admission of necessary supplies and ammunitions of war to the rebellious States from the outer world. It was a military position of great importance, a chief centre of the rebellion, and a great object in our military operations. General Butler entered upon this undertaking with every advantage. He had special detailed instructions from Grant, the greatest living military commander; and he had under him and to cooperate with him Admiral Porter who, with one possible exception, was the ablest naval commander in our service.

Wilmington was stripped of troops. The fort was garrisoned by four companies of infantry and one light battery. With all the reinforcements which the enemy could muster but a thousand and seventy-seven men were in the fort. The greatest armada ever in American waters was under Butler's command — fifty vessels, thirty-three for attack and seventeen in reserve, including four iron-clads. The iron-clads opened fire upon the fort, throwing one hundred and fifteen shells a minute.

"Fort Fisher replied at once with all its guns. But those on the northeast face were silenced almost as soon as the monitors opened their terrific fire, and by the time the last of the large vessels had anchored and got their batteries into play, only one or two of the enemy's guns were able to reply. The shower of shells had driven the gunners to the bomb-proofs. In one hour and fifteen minutes after the first gun was fired, not a shot came from the fort. Two magazines had been blown up, and the fort set on fire in several places. Such a torrent of missiles was falling and bursting that it was impossible for anything human to stand."*

[Footnote]

* Badeau's "Military History of General Grant," Vol. 3, p. 314.

[End of Footnote]

In this condition of things General Butler arrived upon the scene. Not a soldier had been hurt on the Union side.

"General Curtis was now within fifty yards of the fort, and sent word to General Ames that he could take the work, whereupon Ames, not knowing Butler's determination, gave orders for an assault. Curtis at once moved forward, but by the time he reached his position, night had come on, and the fleet had nearly ceased its fire At this juncture Butler's orders to reembark arrived, and no assault was made. Curtis and the officers with him, declared that the fort could have been carried; that at the moment they were recalled, they virtually had possession, having actually approached so close that a rebel flag had been snatched from the parapet and a horse brought away from the inside stockade.

"That night Butler informed the Admiral that he and Weitzel were of the opinion that the place could not be carried by assault I shall therefore sail, he said, for Hampton Roads as soon as the transport fleet can be got in order."*

[Footnote]

* Ibid., p. 317.

[End of Footnote]

"Porter replied that he could fire much faster than he had been doing, and would keep the enemy from showing himself until our men were within twenty yards of the fort, and he begged that Butler would leave some brave fellows like those who had snatched the flag from the parapet and taken the horse from the fort."

Butler was unchangeable. He got all his troops aboard, except Curtis's brigade, and started back. In doing this Butler made a fearful mistake. "My instructions to the officer who went in command of the expedition," says General Grant, "were explicit in the statement that to effect a landing would be of itself a great victory, and if one should be effected, the foothold must not be relinquished; on the contrary, a regular siege of the fort must be commenced and, to guard against interference by reason of storms, supplies of provisions must be laid in as soon as they could be got on shore. But Butler seems to have lost sight of this part of his instructions, and was back at Fort Monroe on the 28th."*

[Footnote]

* Grant's "Memoirs," Vol. II., p. 394.

[End of Footnote]

The Admiral, however, was of a different mind from Butler and replied to him: "I have ordered the largest vessels to proceed off Beaufort, and fill up with ammunition, to be ready for another attack, in

case it is decided to proceed with this matter by making other arrangements. We have not commenced firing rapidly yet, and could keep any rebels inside from showing their heads, until an assaulting column was within twenty yards of the works. I wish some more young gallant fellows had followed the officer who took the flag from the parapet, and the brave fellow who brought the horse from the fort. I think they would have found it an easier conquest than is supposed."*

[Footnote]

* Ibid., Badeau, p. 318.

[End of Footnote]

"The Wilmington expedition has proven a gross and culpable failure. Many of the troops are back here. Delays and free talk of the object of the expedition enabled the enemy to move troops to Wilmington to defeat it. After the expedition started from Fort Monroe, three days of fine weather were squandered, during which the enemy was without a force to protect himself. Who is to blame, will, I hope, be known."*

[Footnote]

* Ibid., p. 318.

[End of Footnote]

Grant's statement, just quoted, was made when he had heard Butler's side of the story alone. What he thought when he had heard the whole story will appear a little later.

Admiral Porter said, in his official dispatch: "My dispatch of yesterday will give you an account of the operations, but will scarcely give you an idea of my disappointment at the conduct of the army authorities in not attempting to take possession of the fort Had the army made a show of surrounding it, it would have been ours; but nothing of the kind was done. The men landed, reconnoitred, and, hearing that the enemy were massing troops somewhere, the orders were given to reembark There never was a fort that invited soldiers to walk in and take possession more plainly than Fort Fisher It can be taken at any moment in one hour's time if the right man is sent with the troops."

On the 30th of December Grant sent this message to Porter:

"Please hold on wherever you are for a few days, and I will endeavor to be back again, with an increased force, *and without the former commander.*"

Grant at once took measures for renewing the attack and for changing the commander. On the 31st of December the Secretary of the Navy telegraphs to Porter: "Lieutenant-General Grant will send immediately a competent force, *properly commanded*, to cooperate in the capture of the defences of Federal Point."

So in every instance in which the head of the military or naval department of this country issued an order to cooperate in this expedition he found it necessary to assure the officer to whom he gave his orders that the expedition would be properly commanded. The Secretary adds in his dispatch to Admiral Porter: "The Department is perfectly satisfied with your efforts thus far." On the next day Porter writes to General Grant: "I have just received yours of December 30th. I shall be all ready; and thank God we are not to leave here with so easy a victory at hand. Thank you for so promptly trying to rectify the blunder so lately committed. I knew you would do it." He adds, speaking of the late expedition: "We lost one man killed. You may judge what a simple business it was."

On the 2d of January Grant directs that Terry, who is to command this new expedition, be sent to City Point to see him. "I cannot go myself," he adds to the Secretary of War, "so long as Butler would be left in command."

January 4th, the next day but one, Grant asks for the removal of Butler. He says: "I am constrained to request the removal of Major-General Butler from the command of the department of Virginia and North Carolina. I do this with reluctance, but the good of the service requires it. In my absence General Butler necessarily commands, and there is a lack of confidence felt in his military ability, making him an unsafe commander for a large army. His administration of the affairs of his department is also objectionable."

Stanton had just left the capital on a visit to Sherman, at Savannah, and this letter at first received no answer; but Grant was very much in earnest, and on the sixth he telegraphed direct to the President: "I wrote a letter to the Secretary of War, which was mailed yesterday, asking to have General Butler removed from command. Learning that the Secretary left Washington yesterday, I telegraph you asking that prompt action be taken in this matter."

That was practically the end of Butler's military service.
He never received another command.

There is no country in the world, other than ours, where an officer guilty of such conduct, whether it came from incapacity or cowardice, would not have been promptly cashiered and probably shot. This would have been true, as in the case of Admiral Keppel, if his fault had been merely a failure to attack. But Butler's fault was an express disobedience of orders. The order which he disobeyed was unknown to the subordinate on whose advice he claimed to have relied. General Grant expressly ordered him that in case of failure to attack the fort by assault, he should remain and entrench his troops on the peninsula, and cooperate with the fleet for the reduction of the place. When Grant learned the circumstances he declared that, in leaving after he had landed, Butler had violated his express orders.

It is a source of just pride that a New England commander, and one of Massachusetts descent, General Terry, was successful in the new attempt. Grant's instructions to him said: "I have served with Admiral Porter, and know that you can rely on his judgment and his nerve to undertake what he proposes The first object to be attained is to get a firm position on the spit of land on which Fort Fisher is built, from which you can operate against the fort. You want to look to the practicability of receiving your supplies, and to defending yourself against superior forces sent against you by any of the avenues left open to the enemy. If such a position can be obtained, the siege of Fort Fisher will not be abandoned until its reduction can be accomplished, or another plan of campaign is ordered from these headquarters."

The fort which had enabled 397 vessels to pass the blockade was taken by a great New England Captain, and largely by New England troops. Butler made one contribution, and only one, to that victory. That contribution was his absence. It was a curious coincidence which would have brought a blush of shame upon any forehead but his, that when he was testifying before an investigating committee of Congress, who were inquiring into the cause of his great and shameful failure to take the fort, and just after he had testified that Fort Fisher was impregnable and that it was impossible for any Union force to take it, a dispatch was received in the Committee Room announcing its fall.

General Grant says in his "Memoirs":

"I had no idea of General Butler accompanying the expedition until the evening before it got off from Bermuda Hundred, and then did not dream but that General Weitzel had received all the instructions, and would be in command. I rather formed the idea that General Butler was actuated by a desire to witness the effect of the explosion of the powder-boat. The expedition was detained several days at Hampton Roads, waiting the loading of the powder-boat. The importance of getting the Wilmington expedition off without any delay, with or without the powder- boat, had been urged upon General Butler. The powder-boat was exploded on the morning of the 24th, before the return of General Butler from Beaufort; but it would seem, from the notice taken of it in the Southern newspapers, that he and his enemy were never enlightened as to the object of the explosion until they were informed by the Northern press."*

[Footnote]

* "Personal Memoirs, U. S. Grant," p. 604 appendix.

[End of Footnote]

"General Butler, in direct violation of the instructions given, ordered the reembarkation of the troops and the return of the expedition."*

[Footnote]

* Ibid., p. 605.

[End of Footnote]

"I advised Admiral Porter to hold on, and that I would send a force and make another attempt to take the place. This time I selected Major-General A. H. Terry to command the expedition." "At my request Major-General B. F. Butler was relieved."*

[Footnote]

* Ibid., p. 607.

[End of Footnote]

I will not undertake to give a detailed account of the blundering strategy of what General Grant aptly called the "Bottling up at Bermuda Hundred" which enabled a powerful Union army to be held in check by a small Confederate force, leaving free the bulk of their army for hostile operations against the Union forces.

So the contribution of General Butler's military genius to the success of the United States in the war

consisted of a scheme to blow up a powder-boat in the capture of Fort Fisher, somewhat after the Chinese fashion of warfare, which General Grant said hardly had the effect to excite the curiosity of the occupants of the fort which it had been intended to demolish; and of his scheme of engineering at Dutch Gap and Bermuda Hundred.

General Grant got tired of him at last and ordered him to report at Lowell. So ended the military career of incompetence, boasting and failure.

Massachusetts soldiers from those of the humblest origin to those who came from the most cultivated circles have always had the reputation of gentlemen. I know of but one conspicuous exception in her entire military history. During the trial of Andrew Johnson, Butler, who was one of the managers, employed spies to visit, in his absence, the room of William M. Evarts, counsel for the President, and to search his waste basket in the hope of spying upon his correspondence. Of this he shamelessly afterward boasted. Later he employed dishonest persons to get from the wires the private telegraphic dispatches of Henry L. Pierce, then his colleague in the House of Representatives, sent to the Hon. W. W. Rice at Worcester.

But this is not all. Wherever Butler is found in military command there were constant rumors of the same story which Governor Andrew told in the beginning. It is like the ointment of the hand which bewrayeth itself. Jobs, fraudulent contracts, trading through the lines, relatives enriched by public plunder, corrupt understanding with the enemy. These stories pursued him to New Orleans and from New Orleans back to Lowell. Is there another Union General, at least was there ever another Massachusetts General to whose integrity such suspicion attached? He scarcely undertook to discuss the matter himself. After the war a New Orleans bank, on which Butler had made a requisition for eighty thousand dollars in gold, employed the late Edwards Pierpont to bring an action against General Butler on the ground that the money had never been paid over to the Government, but that he had kept it himself. Butler saw the counsel for the plaintiffs and said he had received the money in an official capacity and had paid it over to the United States. Mr. Pierpont answered: "If you will show that, it will constitute a good defence." In the course of the conversation Pierpont said: "Your neighbors in Lowell will not think very well of it when they see you riding in your carriage through the streets, and know it was paid for out of the money you have taken unlawfully from this bank." Before the time came for the trial Butler surrendered and paid over the money. After the matter was settled he said to Mr. Pierpont: "Well, you beat me. But I want to tell you that you made one mistake. You said the people of Lowell would not think very highly of me when they saw me riding through the streets in my carriage and knew it was paid for by the money of this bank. The people would think I was a fool for not having taken twice as much."

General Butler was appointed treasurer of the National Soldiers' Home. He mingled the money of that institution with his own, got the use of it, got interest upon it, for which he never accounted. An attempt was made to investigate his accounts and he refused on the ground that he could not do it without showing his private account books, which he was not compelled to do.

He had a powerful political influence which made him an object of terror to timid and ambitious men. So, much to the shame of our public authorities, the investigation was not pressed. He was allowed to pay over only such sum as he himself admitted to be due.

General Butler's chief title to distinction in political life was a scheme which Massachusetts has pronounced a scheme of dishonesty and infamy in every method by which her sentiment can be made known. This scheme was to pay off the national debt and all other debts public and private, including all widows' and soldiers' pensions, in irredeemable paper money. He proposed to issue a series of government bonds bearing interest, payable like the principal, in greenbacks, and providing that the greenbacks should never be redeemed, but that the holder might at any time, on demand, get from the Treasury the equivalent in bonds. This scheme had been announced by General Butler for several years before the Presidential election of 1876. In that year General Butler, who had been defeated for reelection to Congress from the Essex district in 1874, was a candidate for the Republican nomination in the Middlesex district, which included his home in Lowell. There was much opposition to him. But the party feeling was very strong and no other person of large enough reputation or of conspicuous ability could be found to take the Republican nomination. General Butler was accordingly nominated with the distinct promise on his part that he would surrender his plans in regard to finance out of deference to the known wishes of his constituents, and would act with the Republican Party upon financial questions. To this pledge he owed, if not his nomination and election, certainly his great majority in the convention and at the polls. This pledge, as in the case of the trust which had been committed to him by the Douglas Democrats before the war, he most unblushingly and shamelessly violated. He renewed and advocated his fiat money scheme. The result was that at the next convention of the Republican Party in his district the following resolution was passed, without a dissenting vote:

Resolved, That we warn the people of the Commonwealth, whose votes General Butler is now soliciting by promises to serve them faithfully, that his professions when seeking office have been found in our experience to be easily made and as easily repudiated when the time for redeeming them came.

"That they are neither gold nor good paper, but are a kind of fiat currency, having no intrinsic character, being cheap, delusive, irredeemable and worthless."

This convention represented a large and overwhelming majority of the people of the Middlesex district. It was made up as such conventions in Massachusetts always are made up, of men of high standing and character and of great personal worth. Can there be found in the history of Massachusetts such a record of shameless dishonor and such a terrible indictment and conviction?

A like judgment was expressed a little later by Mr. Edward Avery, a Democrat of high standing, who declared that the Democratic Party had found his promises and pledges could not be trusted.

He was once elected Governor. It so chanced that the Republican Party had been disappointed by the defeat in their State Convention of Mr. Crapo, a gentleman of the highest standing, who had rendered conspicuous service to his country in the National House of Representatives, and who was doubtless the choice of a majority of his party. His successful competitor was a man of much personal worth and highly esteemed. But it was thought that his nomination had been compassed by skilful political management by which the will of the people had been baffled and defeated, and many Republicans declined to vote. There was a certain curiosity, as many men expressed it, to see what Butler would do and to test his professions of reform, with a feeling that he would be quite harmless with a Republican Legislature and Council. So the experiment was tried. The people of the Commonwealth had no desire to try it a second time. The matter of General Butler's title to public respect, if the rest of his record could be erased as by a wet sponge, might be determined by the experience of a single year. There was never such an exhibition as that made by him in the executive chair of Massachusetts. He proceeded to attack, to promote his own ambitions, the fair name and fame of the Commonwealth itself. One of his speeches was so gross in its nature that the principal Democratic paper of Boston refused to print it, declaring it unfit for publication.

General Butler declared in one of his public speeches when a candidate for Governor, thereby insulting the Commonwealth, especially the citizen-soldiery of Massachusetts, that the soldiers of Massachusetts "needed but a word from him to clean out the State House."

But he had his eye on a still higher prize. He hoped to compass the Democratic nomination for the Presidency. That nomination depended on his conciliating the old Democratic, rebel element at the South, then powerful in National Democratic councils. He made an attack upon the administration of the State Almshouse at Tewksbury, in which he declared that "the selling and tanning of human skins was an established industry in Massachusetts." He charged the Commonwealth with desecrating the graves and selling the bodies of deceased inmates of her public institutions for money. General Butler's charges were refuted to the public satisfaction by the simple certificate of Mrs. Clara Leonard, a member of the State Board of Lunacy and Charities, who knew all about the matter, and in whose high integrity and capacity to decide the question everybody had implicit confidence.

There was an investigation, and Butler signally failed to sustain himself. One incident at the hearing revealed perfectly his character and that of his affected sympathy for downtrodden humanity. Some human remains were brought into the presence of the committee, which it was alleged had come from the almshouse. Butler was in an angry mood at something that had occurred and called out peremptorily: "Give me the skin that came off the nigger."

I will not undertake myself to impute the motive which inspired this attack upon his own State. Whether it were anger inspired by the knowledge of the estimate in which the majority of her people held him; whether it were a gross nature with blunted sensibilities; whether these expressions were uttered in haste or anger, I will not say. The Honorable William P. Frye, an able and justly distinguished Representative and Senator from Maine, with an intimate knowledge of General Butler, which came from a long association in the public service, charged General Butler in a public speech in Massachusetts, in the autumn of 1883, in my hearing, what he repeated at many places elsewhere in the Commonwealth—that Butler had made this foul charge against Massachusetts in order that he might win the favor of the slave-holding and rebel Democratic elements of the South by catering to their prejudices against her. If that be true, this charge of General Butler's is the most disgraceful single utterance that ever came from American lips. If it be not true, what must be the nature of which the gentle, charitable and kindly Senator Frye could believe it true after an intimate knowledge so many years?

General Butler was disappointed in his expectation of Democratic support in the country at large. He had thereafter no rest in politics for the sole of his foot. The remainder of his life was spent in speculation and manufacturing enterprises.

I repeat what I said of General Butler in his lifetime, when he was at the height of his power, with a full knowledge of his vindictive character, that the success of his attempt to use and consolidate the political forces of Massachusetts would have been the corruption of her youth, the destruction of everything valuable in her character, and the establishment at the mouth of the Charles River of another New York with its frauds, Tweed rings and scandals.

General Butler made an earnest effort to get the Republican nomination for Governor in 1871. He had built up what was called a Butler party, in which he had had the aid of the National Administration, and of all persons whom he could either seduce by hope of reward or terrify by fear of his vengeance. It was not a question in considering candidacy for office with him whether the man had rendered honest service in civil or in military life, whether he was a man of honor or of good or bad character, but only whether he was a Butler man. He conducted his own campaign for Governor in 1871 and again in 1873. In the former he summoned his adherents to the State Convention, issuing a circular in which he advised them to bring three days' rations in the expectation of a long and angry struggle.

I was invited by the State Central Committee to preside at the Convention of 1871. It was quite likely that the Convention might break up in disorder and the result would be two factions, each claiming to be the regular Republican organization. I told the gentlemen of the State Central Committee, who communicated to me their desire, that I would do it on condition that there should be provided one hundred skilled and trustworthy police officers who would obey my orders, and, if it became necessary, would remove from the hall General Butler or any other person who should defy the authority of the Convention. This the committee promised to do. This promise was in substance kept. The gentleman who made it as the organ of the State Central Committee had himself been for many years a sheriff of the County of Worcester, and had been a General in the Civil War, and was a man of large capacity for handling disorderly assemblies. He came to me afterward and said that in a hall like Mechanics Hall a well-disciplined force of not more than fifty men would be better for the purpose of keeping order than a more numerous one, and he had taken the liberty of departing from our agreement to that extent. To this I assented.

When I went to the Hall that morning in taking leave of my wife I told her that the chances were that I should come home the most disgraced man in Massachusetts. If General Butler succeeded in breaking up the Convention in disorder the blame would be laid upon the presiding officer.

But we got through safely. General Butler had calculated that his opponents, who were divided among several candidates, could not agree upon any one. But such an agreement was effected upon William B. Washburn. His plan then, I supposed, was to find some excuse for breaking up the Convention under circumstances which would enable him to claim to President Grant that he represented the regular Republican organization and that his opponents were the bolters. My duty on the other hand was so to conduct the Convention that there should be no pretext on his part for such a course. The Convention was in continuous session from 11 o'clock in the forenoon until half-past one next morning. There were several contests in which Butler conducted the case on his own side. But his opponents held together and nominated William B. Washburn. With the exception of the National Convention of 1880, at which I also presided, this was the most difficult duty in the way of presiding over a deliberative assembly which ever fell upon any person in this country so far as I know.

In the year 1873 General Butler made another attempt to get the Republican nomination for Governor. A meeting was called at Hamilton Hall, in Boston, of a few persons opposed to his candidacy, which resulted in an address to the people recommending the reelection of Mr. Washburn. I signed the address of which I wrote a few sentences. Judge Hoar made a bright and characteristic speech in which he said that "the people of Massachusetts would not yield the office of Governor to a Tichborne claimant, whether with or without a bond." This name, "the Claimant," stuck to Butler for the rest of his life.

In 1871 my opposition to General Butler and support of Governor Washburn was well known. I announced my preference for the latter in a letter to the *Springfield Republican*. This did not occasion any personal quarrel with Butler, although our relations were never cordial. But in 1873 he was very angry with the persons who signed the address in favor of the renomination of Governor Washburn. He wrote a letter to the people of Massachusetts in which he angrily attacked many persons in the Republican party whom he believed to be his opponents. Among them he bitterly attacked me. He sent a copy of this letter in the form of a broadside to every newspaper in Massachusetts, I believe, and had it folded into every copy of the paper. I instantly replied, setting forth as well as I could the character and quality of General Butler and the nature of his influence upon the youth of the Commonwealth. The

letter contained the following sentences:

"When General Butler proposed to pay off our national debt in irredeemable paper, General Grant silenced him with the ringing sentence in his inaugural, 'Let it be understood that no repudiator of one farthing of our public debt will be trusted in public place,' because he knew that he was trying to tempt this people to escape from a burden by a mean and base act.

"He has quarrelled with Grant and Wilson, and Colfax and Blaine, and Andrew, and Sumner, and the Washburnes, and Bingham, and Schenck, and Dawes, because he is quarrelsome. They have been compelled, each in his own way, to chastise and punish him because he deserved to be whipped.

"Among the unprincipled adventurers who gained favor in the corrupt times of the Stuarts, and whose evil counsels brought Charles the First to his doom, the most notorious was Buckingham. Gaining favor by lending himself as the subservient tool in accomplishing every evil purpose: restless, ambitious, unscrupulous, selfish, revengeful, thrusting himself into military employments for which he was unfit and from which he was compelled to retire in disgrace, getting a 'competent private fortune' by dishonest practices, which he lavished in overcoming the virtue of timid and venal men, his name is the shame of England. Nugent says of him: 'His shrewdness in judging of men was employed only to enable him to found his influence upon their weaknesses and vices; so that, when opposed to men of capacity, or thwarted by what remained of public virtue in the country, he found himself in conflict with weapons of which he knew not the use; and his counsels were dangerous, and his administration unprosperous. His only wisdom was the craft with which he managed weak or bad men, and his only virtue the courage with which he overawed timid ones.' Such counsellors, fatal to a monarch, are full of peril to a republic. Such men can only prosper in times of public corruption.

"General Butler has done, unless he has egregiously imposed upon us, two things well. He out-blackguarded a New York mob in 1864, and with a United States army at his back, he kept down a rebel city in 1862. Massachusetts is not likely soon to stand in need of either of these processes. But he never has accomplished anything else of much importance when his point could not be carried by sheer blustering. The history of all his other attempts may be comprised in three words— *Swagger, quarrel, failure.*

"Other men have aspired before now to the office of Governor of Massachusetts. It is an honorable ambition. They were content to leave their claims to be set forth by others, and were glad to waive them if by so doing they could promote the harmony of the party. This man seeks nothing but his own selfish ends, utterly regardless of the wishes, the welfare, or the harmony of the great party to which he professes to belong. The people of Massachusetts have sometimes elected to this high office men who in some particulars are not deserving of respect. But the people respected them, and chose them because they deemed them worthy, and the persons so chosen endeavored to deserve the public confidence. This man, if he is chosen at all, is to be chosen without having the respect of the men to whom he looks for support. It would be harder to find a leading supporter of General Butler who will say that he deems him honest, truthful, disinterested, or incapable of using power to gratify both his ambition and his revenge. The men whom General Butler will beat are the men whom he persuades to support him."

The morning after his defeat in the State Convention each of the principal morning papers in Boston headed its account of the Convention with the words, "Swagger, Quarrel, Failure."

General Butler made no further reply by letter. But he came to Worcester, where I dwelt, and addressed an enormous meeting in Mechanics Hall. I suppose many more people than those that got in were obliged to go away because the Hall would not hold them. The General devoted his speech largely to a powerful and bitter attack upon me. I replied at a meeting at the same place a few days after. My speech ended with the following sentences. After describing the heroism of the youth of Worcester in the battle with slavery and the battle with Rebellion, I added:

"And now, after the war, another enemy, unarmed, but bringing even greater danger, menaces the Republic. The battle with corruption is the duty of the hour. The blow which rebellion aimed at the Nation's life you could ward off. The wounds it inflicted are already in the process of cure. But this poison, this rotting from the core, is far more dangerous to the Republic. There is already danger that the operations of the Tweeds and Goulds in New York may be repeated on a more gigantic scale at the National capital. The mighty railroads to whom our public domain has been so lavishly granted, in some cases I doubt not, wisely, afford infinite opportunity for plunder and corruption. All these are at the cost of the labor of the country. The increased tax falls in the end on the consumer. With the waste of our public land are diminished the resources of the laborer. Following bad precedents Congress has itself been induced to set the pernicious example of which you have heard so much discussion. (This referred to the measure known as the Salary Grab.) The author of the measure tells you that he knew what he was doing, and if you didn't like it you could vote against him. Are you quite ready to declare to

the country that in this great contest with extravagance and corruption, wherever the Republicans of the rest of the country may array themselves, the Republicans of Massachusetts fight under the banner of General Butler?

"You are doubtless familiar with Victor Hugo's description of the marine monster said to be found in the vicinity of the Channel islands, and known as the Devil Fish. It is apparently formed of an almost transparent jelly, colorless, almost indistinguishable from the water which surrounds it, armed with long slender limbs, numerous as the feet of the centipede, and strong in their grasp as hands of iron. The bather in those waters habitually provides himself with a long keen blade, which, when he finds himself encountered by one of these monsters, he elevates above his head in his extended right hand. As the creature approaches, the bather feels himself slowly enveloped in the powerful limbs which twine about him, holding him in their iron grasp. Suddenly a head appears, and drawing itself nearer the animal seeks to fasten its mouth upon the lips of the victim and deprive him of life. At this moment the bather strikes with his knife into the head of the monster. Instantly the limbs relax their hold, the hideous creature slowly disappears, and the bather is left unharmed and safe. Our Republic finds itself to-day assailed by a monster as dangerous, unpalpable, soft, horrible but strong—strong as hands of iron. The limbs of this monster of Corruption have seized upon our noble Republic, but at last there is a head coming in sight, and I think the Republicans of Massachusetts are able to bear the knife and strike the blow which will destroy its horrible life so that it shall fall powerless forever!"

That closed the discussion so far as we were concerned for that campaign.

In 1876 Judge Hoar, who had been, very much against his will, elected to Congress from the Middlesex District declined a renomination. General Butler, who had been defeated at the polls in the Essex District two years before was thereupon nominated, having pledged himself to the Republicans that he would abandon his fiat money doctrines in obedience to the declared will of the people; a pledge which as stated above he shamefully violated. There was no expectation of defeating him. But some few Republicans who were unwilling to support him desired a candidate on whom to unite, and they applied to Judge Hoar. He said he had no desire to go to Congress. But he thought there ought to be a Republican candidate against Butler and that he had no right to ask another man to take a position from which he flinched himself, and accordingly he was nominated. But Butler was elected by a large majority.

That however was substantially the end of his relation with the Republican Party. After the Inauguration of President Hayes he tried to have the public officers in his District who had refused to support him removed. On President Hayes's refusal he left the Republican Party and became, a year or two after, the Democratic nominee for Governor for two or three years and, as has been seen, was elected in 1883. I of course supported the Republican candidate and made, I suppose, thirty or forty speeches in each of those years. He had said in explaining and defending his fiat money scheme that the word "fiat" means "let there be." God said "fiat lux," "let there be light," and there was light. He argued that fiat money was excellent from the very fact that it cost nothing and had no intrinsic value. So if a bill were lost or destroyed a new one could be supplied without cost. He also said that it would stay in the country and would not be sunk in the morasses of Asia, especially in China and India, where silver and gold were absorbed and never heard of in civilized nations afterward. I quoted these sentences with the following comment: "That, Fellow-citizens, is precisely the difference between Omnipotence and Humbug, between the Almighty and General Butler. God said let there be light and there was light. General Butler says let there be money and there is—rags. This is the first time in our history that the American workingman has been gravely asked to take for his wages money it costs nothing to make, that it is no loss to lose, that it is no gain to get, and that even a Chinaman won't touch." Butler was very angry and answered, rather irrelevantly, as it seemed to me, by saying that I did not go to the War, to which I replied as follows:

"I see that the Greenback candidate for Governor has seen fit to taunt some persons, including myself, who have ventured to exercise the privilege of free speech in this campaign, that they did not go to the war; while he boasts that he not only went to the war but hung a rebel. Those persons who did not go to the war may, perhaps, possess at least this advantage, that they can form an impartial opinion of the merits of those who did. It is the pride and the honor of this noble Commonwealth of ours, that of the hundred thousand brave soldiers and sailors she sent to the war, there was but one notorious braggart; there was but one capable of parading up and down the Commonwealth, vaunting that he had hung a man; exhibiting himself as the Jack Ketch of the rebellion. I bow reverently to the brave, modest, patriotic soldier, who, without thought of personal gain, gave youth, health, limb, life to save the country which he loved. I am willing to abide by his opinion, and to yield to him every place of honor and of office. But to you, General Butler, whose military career is made up of the blunder and slaughter of Big Bethel; of the powder explosion at Fort Fisher; of the engineering at Dutch Gap; of the "bottling-up" at Bermuda Hundred; of the trading with the rebels through the lines in North Carolina; of the scandals of New Orleans; to you, who were ordered by General Grant to go home in disgrace; to

you whose best service had been, if you, too, had stayed at home, I have no such tribute to offer. When Benedict Arnold taunts Jefferson that he did not go into battle in the Revolution, when Aaron Burr taunts John Adams with want of patriotism, then it will be time for you to boast yourself over the men who performed the duties of civil life during the Rebellion."

We have had turbulent and exciting times in our State and National politics before and since that day. But I think there has been nothing in Massachusetts, and so far as I am aware there has seldom been anything in the country anywhere like the years from 1869 until 1877, when General Butler's power was at its height. You could hardly take up a morning paper without dreading that you should read of the removal from some position of honor of some brave honest soldier who had deserved well of his country, and the substitution of some disreputable person in his place. All the dishonesty of the time seemed to be combined and rallied to his support. Three of his trusted lieutenants in different parts of the Commonwealth were convicted of crime and sent to the State Prison. Another was detected in crime punishable by imprisonment in the State Prison, but escaped prosecution by a compromise. Still another was compelled to flee the country for a series of forgeries, finding refuge in a South American State with which we had no treaty of extradition. Still another was indicted for frauds which wrecked a National bank, and escaped conviction by a technicality. Still another was compelled to flee from the Commonwealth by the detection of some notorious frauds. And now more recently, in 1898, another has been arrested, a fugitive from justice, and brought back to Massachusetts, having wrecked two banks and embezzled their funds.

In the autumn of 1883 General Butler was a candidate for reelection. He was so confident that he had prepared his grounds for a magnificent illumination. But he was signally defeated. I took a leading part in the campaign. I give the following extract from my speech at Worcester:

"But we are thinking to-night of the matter of electing a Governor. Character is more important than opinion; good name to the State, as to the citizen, is better than riches. I suppose it is true of each one of you as of myself that among his chief comforts and pleasures in life is his pride in being a Massachusetts citizen. The honor and good fame of our beloved State is far above any question of party. I think I do you no more than justice when I declare that you lament as much as I do the personal character of the contest which is upon us. It has never been the habit of Republicans to deal in personalities. The Republican press and the Republican platform in Massachusetts has been singularly free from these things. What Democratic candidate can be named other than the present Governor to whom the Republicans have not delighted to pay the respect due to honorable and respected opponents. Have Gaston or Thompson or either Adams or Hancock or any of their candidates for Congress, anything to complain of in this respect? If we deal differently with General Butler, it is because the difference is in him. We have selected our own candidate on a very simple principle. In determining on whom we would confer the title, His Excellency, we have sought a man who represented in his own person our standard of excellence. We sought a man whom the fathers and mothers of the Commonwealth would be willing to hold up to their children for imitation. We sought a man, tried and proved in important public trusts, faithful, sincere, upright, downright, who would continue and maintain the honored line of Massachusetts Governors. We have found such a man in George D. Robinson. I will sum up what I have to say of Mr. Robinson by saying that he is in every respect the reverse of his antagonist. We are told that we must not discuss the record of the candidate of our antagonists before his election last year. That was all condoned. I do not concede for myself that truth is necessarily determined by majorities. I have a high respect for the people, but they do not change men's characters by their votes. But, be it so, let bygones be bygones. Let us concede that the career of our present governor as citizen and soldier and statesman furnishes a lofty example of every virtue under heaven. Let us admit that it was love of liberty that advocated the Fugitive Slave Law in the old Democratic days; that it was fidelity that was sent to Charleston, to vote for Douglas, and voted fifty-seven times for Jefferson Davis; that it was patriotism of which Governor Andrew said in 1861: 'I am compelled to declare with great reluctance and regret that the whole course of proceedings under Major General Butler in this Commonwealth seems to have been designed and adopted to afford means to persons of bad character to make money unscrupulously;' that it was good generalship that caused the blunder and slaughter of Big Bethel; that it was skilful engineering that made the canal at Dutch Gap a laughing-stock to the civilized world; that it was a great strategist that was bottled up at Bermuda Hundred; that it was courage that retreated from the uncaptured Fort Fisher; that it was purity that caused the scandals of New Orleans, and integrity that traded through the lines in North Carolina; that it was a great soldier that was ordered by General Grant to report at Lowell; that it was zeal for the public service that defended the Sanborn Contracts; that it was modesty that has gone so often up and down the State blowing his own trumpet; that it was honesty that mingled the funds of the Soldiers' Home with its own; that it was good faith that sought to juggle the public creditor out of his debt; that it was care for the poor and the working men that sought to give our laborers rags for wages and our soldiers waste paper for pensions; that it was a faithful representative that promised the men of the Middlesex District that if he might go once more to fight the Rebel brigadiers he would faithfully

represent their opinions on finance and then proposed that marvellous scheme of fiat money, which he represented it would be no loss to lose and no gain to get, and that even a Chinaman would not touch, so that the same constituency demanded his resignation and 'resolved, that we warn the people of the Commonwealth, whose votes General Butler is now soliciting by promises to serve them faithfully, that his professions when seeking office have been found in our experience to be easily made and as easily repudiated when the time for redeeming them came; that they are neither gold nor good paper, but a kind of fiat currency, having no intrinsic value, cheap, delusive, irredeemable and worthless;' that it was an honest Democrat, of whom Mr. Avery, President of this year's Democratic Convention, declared that his promises and pledges could not be trusted; that it was consistency which has belonged to every party in turn. We will put the issue of this election upon the record of the year's administration. He has shown an utter want of understanding of the true theory of the Constitution. This is illustrated in his removal of Warden Earle. He told his friends at the prison that he made the removal because Earle would not obey his orders. He had no more right to give an order to Earle than to you or me. The Governor and the Council have the right to prescribe rules for the government of the prison—not the Governor. The Board of Prison Commissioners have the right to give directions to the Warden, but not the Governor. His telling Earle to obey his orders on pain of dismissal was as flagrant a violation of law and of the fundamental principles of the Constitution, as it was an injustice to as brave an officer, as honest a man as ever tied a sash around his waist. He traduced the Commonwealth in his vile Tewksbury speech. I believe every charge he made broke down on his own evidence or was thoroughly refuted. But if the thing were decent to do, it might be done decently. Those of you who have delighted to listen to the classic eloquence of Everett, to the lofty speech of Sumner, to the noble appeals of Andrew, aye, to the sincere and manly utterances of Robinson, take that speech and read it. He insulted womanhood in the person of a defenceless girl. He insulted purity by a speech so gross that the principal Democratic paper in Boston declares it unfit for circulation, and demands that it be suppressed. He insulted every colored man in the State, when, in an unguarded moment, speaking from his very soul, he called out: 'Give me the skin that came off the nigger.' He insulted the citizen soldiers of Massachusetts when he declared that they needed but a word from him to clean out the State House. He insulted the common school system of Massachusetts when he said that if his witness were a person of immoral character, the school system was responsible. He insulted the whole Commonwealth in trying to cast upon the foul imputation that she was inhuman and indifferent to her poor and unfortunate, and intimated that the tanning of human skins was a recognized Massachusetts industry. Another insult is the menace of fraud that comes from Boston. The law requires the appointment of election officers, to be chosen equally from the two great parties, and every mayor of Boston, Republican and Democrat alike, Pierce, Gaston and Green, have fairly and honorably discharged their duty. It is one of the most important trusts that can be imposed upon a public official, to guard the purity of the vote of their fellow citizens. The Republican Committee this year submitted its lists and the names upon them were changed, and other men substituted, Butler men, Democrats and criminals, all charged to the Republican account. Our neighbor, Judge Nelson, a few years ago, tried at the bar of his court a man whom Governor Butler defended. He was convicted, sentenced and went to jail. He is now out of prison, and has been substituted for a Republican, probably by the influence of his former counsel, to count the ballots of the citizens of Boston. You have heard of such proceedings in other States, but never in Massachusetts. Unless the people of this Commonwealth rise in their might and crush out this attempted fraud, they will have at the mouth of the Charles River another New York, with its frauds, Tweed rings and scandals."

He answered that by an attack on the memory of my father who had died more than twenty-five years before. Thereupon the controversy, so far as it had anything personal in it, ended.

It happened that the year when General Butler was Governor I was elected President of the Harvard Alumni Association. It was the custom of the College to invite the Governor to the dinner of the Alumni on Commencement day as the guest of the University and to confer upon him the degree of Doctor of Laws. It would have been my duty to preside at the dinner and to walk with him at the head of the procession, to have him seated by my side at the table, and to extend to him the courtesies of the University. I hardly knew what I ought to do. I must either walk with him and sit by his side in silence or with a formal and constrained courtesy which would in itself be almost an affront, or on the other hand, I must take his hand, salute him with cordiality as becomes a host on a great occasion in dealing with a distinguished guest, and converse with him as I should have conversed with other persons occupying his high place. It did not seem to me that I ought to do either, especially in the case of a man whose offence had not been merely against me, but who had made a gross and unfounded attack upon the memory of my father, and of whose personal and public character I entertained the opinion I had so often publicly expressed. Accordingly I declined to accept the office of President. My place was filled by Joseph H. Choate, who discharged the duty, of course, very much better than I could have done it.

Mr. James F. Rhodes in his able and most impartial history of the United States, speaking of the events of the summer of 1864 and the disintegrating and discouraging condition of the Army of the

Potomac, says:

"Circumstances seemed to indicate the bitterness of disappointment at the failure of the high hopes and expectations which filled the soul of Grant when he crossed the Rapidan. It was commonly believed in the Army that his misfortune had driven him again to drink, and on this account and others Butler with crafty method acquired a hold on him which prevented him from acting for the best interests of the service. It is not a grateful task to relate the story of Butler using Grant as a tool to accomplish his own ends. The picture of such a relation between the two is repulsive, but it may be fraught with instruction as men of the type of Butler are never absent from our political life."*

[Footnote]

* Rhodes, "History," Vol. 4, p. 493.

[End of Footnote]

"Butler had some hold on the Commander of the Armies of the United States and in the interview of July 9th showed his hand."*

[Footnote]

* Rhodes, Ibid., Vol. 4, p.495.

[End of Footnote]

I do not suppose the secret of the hold which General Butler had upon General Grant will ever be disclosed. Butler boasted in the lobby of the House of Representatives that Grant would not dare to refuse any request of his because he had in his possession affidavits by which he could prove that Grant had been drunk on seven different occasions. This statement was repeated to Grant by a member of the House who told me of the conversation. Grant replied without manifesting any indignation, or belief or disbelief in the story: "I have refused his requests several times." In the case of almost any other person than President Grant such an answer would have been a confession of the charge. But it ought not to be so taken in his case. Unless he desired to take into his full confidence the person who was speaking to him he was in the habit of receiving most important communications with entire silence or with some simple sentence which indicated his purpose to drop the subject. My own belief is that at some time during the War, or before the War in times of discouragement Grant may have been in the habit of drinking freely and may at some time have done so to excess. During the whole time of his Presidency I had a good opportunity to observe him in personal intercourse. I was familiar with many men who were constantly in his company at all hours of the day and often far into the night. They assured me that there was no foundation for any imputation that he was in the habit of drinking to excess then. If at any time he had formed such a habit he had put it under his feet. For that I think he is entitled to greater honor than if he had never yielded to temptation. My explanation of Butler's influence over Grant is to some extent conjecture. But I believe Grant thought him a powerful political leader and that he was entitled to respect as representing the opinions of large numbers of men. Beside that Butler had a great influence over some ambitious men who were his confederates and over some timid men who were afraid of him. Their influence with Grant was on Butler's side. Then Grant was apt, as I have said in another place, to sympathize with men who were bitterly attacked, especially men who were charged with dishonesty or corruption, because such charges were made against him. So without undertaking to explain Butler's influence with Grant, I content myself with stating it and lamenting it. He led Grant to make some very bad appointments in Massachusetts which were totally repugnant to the feeling of her people. But for those appointments, in my opinion, the strong objection felt by her people to giving any President of the United States a third term would not have prevented her supporting him for renomination in 1880, a support which would have insured his success.

After President Hayes came into power General Butler tested the President's willingness to permit him to control the patronage of Massachusetts. He demanded the appointment of a man recommended by him to the office of Postmaster at Methuen. The term had expired. President Hayes carefully examined the matter in person, got a list of the principal patrons of the office, and compared it with the petitions. He determined to reappoint the incumbent, who was an excellent officer, and a Republican who had refused to vote for General Butler. The man whom General Butler recommended had lost a leg in the War. He had an artificial limb so well made that many people, even those who worked in the same shop with him, did not know that he had lost his leg. Butler went before the Senate Committee on Post Offices to get them to reject President Hayes's nominee, taking his own candidate with him. He had the man leave off his artificial leg and come on crutches to get greater sympathy. He made an earnest and angry speech before the Committee attacking President Hayes. But he made no impression, and the old Postmaster was confirmed and reappointed. Thereupon Butler left the Republican party, first declaring himself an Independent and attempting in that capacity to get elected as Governor of the State. Failing in that he avowed himself a Democrat, and was, as has been already said, elected by the Democrats in the fall of 1882. This transaction terminated his relation to the Republican Party, and his defeat for Governor terminated his political life with the exception that he

was the Greenback candidate for the Presidency in 1884. But he received little support.

CHAPTER XXV BELKNAP IMPEACHMENT

March 3, 1876, a message was sent to the Senate from the House of Representatives, impeaching General Belknap, the Secretary of War. He was charged with having received corruptly a large sum of money, payable in quarterly instalments, for the appointment of a Post Trader, an officer appointed by the Secretary of War. This was a very lucrative position, the profits of which depended very largely upon the Secretary. I was chosen one of the Managers of the Impeachment by the House. There was no serious question of the guilt of the Secretary. But he resigned, and his resignation was accepted, after the discovery of his misconduct, before the proceedings of impeachment were inaugurated. The whole struggle was over the question of the Constitutional right of the Senate to convict a public officer on impeachment proceedings instituted after he had left office. Upon that question I made a careful and elaborate argument. A majority of the Senate (37 to 25) were for sustaining the proceedings. But the Senators who thought the Senate had no jurisdiction to enter a judgment of guilty when the proceedings were commenced after the person left office, deemed themselves constrained to vote Not Guilty as the only mode of giving that opinion effect.

So General Belknap was acquitted for the want of the two-thirds vote for his conviction. Every Democrat voted for conviction except Mr. Eaton of Connecticut. The following Republicans voted for conviction: Booth, Cameron of Pennsylvania, Dawes, Edmunds, Hitchcock, Mitchell, Morrill, Oglesby, Robertson, Sargent, Sherman, and Wadleigh.

It is difficult to believe that the Senators who voted for acquittal were not, perhaps unconsciously, influenced by the desire to shield a political associate from punishment. The power to impeach public officers after leaving office had been exercised in England from time immemorial. It is well settled that when in the Constitution or legislation of the United States a term of English law is used, that the meaning customarily given to the term in English jurisprudence is to ascribed to it here.

The history of this clause as found in the proceedings of the Convention that framed the Constitution, makes very clear the understanding of that body. They first inserted the words: "The Senate of the United States shall have power to try all impeachments, but no person shall be convicted without the concurrence of two-thirds of the members present, which in case of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of trust and profit under the United States." The framers of the Constitution regarded the power of impeachment as absolutely essential to the working of the Government.

That clearly gave the two Houses of Congress the common law powers of impeachment, as exercised by Parliament. At a later time there was added: "The Vice-President and all civil officers of the United States shall be removed from office on impeachment and conviction." That was added as a limitation on the tenure of office. It seems incredible that they should have intended, without debate or division, to wholly change and so greatly limit and narrow the clause previously adopted.

It is obvious that impeachment and removal from office will be in many cases an insignificant and unimportant part of the remedy as compared with perpetual disqualification from holding office. It seems incredible that it could ever have been intended that this judgment of perpetual disqualification to hold office could only be rendered when the defendant is willing, and can be avoided by his voluntary resignation.

The framers of the Constitution were very skilful Constitutional mechanics. I am satisfied that the opinion of the majority of the Senate will prevail hereafter, unless the case where the question shall come up be, like that of Belknap, strongly affected by party feeling.

President Monroe said: "The right of impeachment and of trial by the Legislature is the mainspring of the great machine of government. It is the pivot on which it turns. If preserved in full vigor, and exercised with perfect integrity, every branch will perform its duty."

I received a good many letters expressing approval of my argument. Perhaps, without inordinate vanity, I may be permitted to preserve those which follow. The approval of my honored and beloved instructor, Judge Thomas, gave me special satisfaction.

I am led to publish these letters partly because I think the opinion of the writers on the question is worth preserving for future reference, but chiefly, I believe, from what I hope will be deemed a pardonable vanity. Mr. Sumner, in editing the thirteen volumes of his speeches, has given in regard to all of them, letters from friends and correspondents, expressing his approval. I do not suppose it would ever have occurred to Daniel Webster to publish similar certificates as to any speech or act of his.

FROM GEORGE S. BOUTWELL, GOVERNOR; SECRETARY OF THE U. S. TREASURY; U. S. SENATOR, ETC., TO JUDGE E. R. HOAR.

UNITED STATES SENATE,
WASHINGTON, May 8th, 1876.

My dear Judge,

It was the opinion of all who heard your brother's argument in the Belknap case that it was the best of the arguments yet given and that it will rank with the best at any time delivered in the Senate.

I do not write this because I was in any degree surprised, but it cannot be otherwise than agreeable to you to know that there is a concurrence in the view I have expressed.

Very truly,
GEO. S. BOUTWELL.
To The Honble
E. R. Hoar,
Concord, Mass.

FROM JUDGE BENJAMIN F. THOMAS OF THE SUPREME COURT OF MASSACHUSETTS.

NO. 9 PEMBERTON SQ
BOSTON May 25th '76.

My Dear Sir

I am greatly obliged to you for sending me a copy of your admirable argument on the question of jurisdiction in the impeachment case.

The argument is sensible and exhaustive, the style clear, forcible and attractive and the whole tone temper and spirit becoming a jurist and statesman.

Very truly yours
BENJ F. THOMAS.
Hon Geo F. Hoar

FROM WILLIAM M. EVARTS, SECRETARY OF STATE; UNITED STATES SENATOR, ETC.

NEW YORK, May 22, 1876.

My dear Mr. Hoar,

I am much obliged to you for sending me your speech, as manager, on the question of jurisdiction. I had seen it applauded in the newspapers and am happy to add mine to the general suffrage. It seems to me a very complete and able presentation both of law and reasons of State on your side.

My own opinions are strongly adverse to the jurisdiction, and I should greatly lament its maintenance by the Senate. In ordinary times I should not suppose it possible, and I do not think it probable, now.

I hope the defendant's counsel presented the argument as satisfactorily from their side as you have done for yours. But I have little hope that it is so.

Yours very truly,
(Signed) WM M. EVARTS.
The Hon'ble
Geo F. Hoar.

FROM JUDGE DWIGHT FOSTER OF THE SUPREME COURT OF MASSACHUSETTS.

BOSTON, 20 May, '76.

My Dear Sir:

I have read with satisfaction and admiration your exhaustive and conclusive argument in the Belknap impeachment case. It would have convinced me, if I had not been of your opinion already. In thought I doubted a little at first. My mind was soon satisfied that the narrow construction which left the accused to decide whether to abide his trial or by resignation to defeat the jurisdiction of the court could not possibly be correct.

Congratulating you on your success,

I am

Yours sincerely
DWIGHT FOSTER
Honble Geo F. Hoar

FROM CHARLES DEVENS, JR., ATTORNEY-GENERAL, ETC.

WORCESTER
May 18, '76.

My Dear Hoar

I have just read with the greatest interest and satisfaction your speech on the jurisdiction in the impeachment case. It seems to me most able profound and convincing and I congratulate you immensely on the effort which is spoken of by all who have read it as most vigorous and successful. It could not have been better done.

Yours most truly
CHAS DEVENS JR

FROM CHARLES ALLEN, JUDGE OF THE SUPREME COURT OF MASSACHUSETTS.

BOSTON May 18 1876

Dear Mr. Hoar

Thanks for your argument in the Belknap case. Massachusetts is very proud of what you have done in this case; and I, among the rest.

Yours very truly
CHARLES ALLEN.
Hon. G. F. Hoar.

CHAPTER XXVI ELECTORAL COMMISSION

When the Presidential election of 1876 was over both sides claimed the victory. When the certificates of the result in the different States reached the President of the Senate, in accordance with the requirement of the Constitution and the law, it turned out that there was one majority for Hayes and Wheeler, upon the face of the returns, if the returns from the State of Oregon were construed in accordance with the Republican claim.

The Governor of Oregon gave a transcript of the record and declared his opinion that it showed one of the lawful electors to have voted for Mr. Tilden. That would have given one majority for Tilden. The Republicans claimed that upon the record the election showed that all the Republican candidates for elector had been chosen in Oregon, and that they had all voted for Hayes and Wheeler.

The Democrats declared that the boards authorized to ascertain and return the result of the election for Presidential electors in South Carolina, Florida and Louisiana had corruptly and unlawfully rejected votes that ought to be counted for them, and counted votes for the Republicans that ought not to be counted; and had in that way changed the result which, if it had been correctly ascertained and reported, would have shown a Democratic majority in those three States.

The country was deeply excited. Threats of civil war were heard in many quarters. When I went to Washington for the session of December, 1876, while I did not believe there would be a civil war, and supposed there would be some method of escape devised, I confess I saw no such method. I now believe that but for the bitter experience of a few years before, with its terrible lesson, there would have been a resort to arms. It would have been a worse civil war than that of the Rebellion, because the country would have been divided not by sections, but by parties.

But, as I have related elsewhere, a majority in Congress agreed to submit the question to a Commission composed of five Senators, five Representatives, and five Judges of the Supreme Court, who, proceeding in accordance with an ingenious and skilfully devised mechanism, were to determine the case.

I believe that as time goes on, the great self-restraint of the American people in dealing with the

momentous peril of 1877, and the constructive ability which created the simple but perfect mechanism of the Electoral Commission, will receive, as they deserve, the admiration of mankind. There was at the time, as would be expected, some anger and disappointment at the result. Occasionally some bigot who can find nothing but evil in the history and life of his country, generally some recluse who has little knowledge of affairs, charges the Commission with having wickedly deprived the majority of the people of the fruits of an honest and lawful victory. But, in general, wherever I go I find that intelligent men of both parties are satisfied with the righteousness of the decision, and admit that a different judgment would have wrought the destruction of the Republic.

When the decision of the Electoral Commission was accepted every Democratic vote in the two Houses was against it, and every Republican vote, save two, given in its favor. Of these two, one shortly afterward left the Republican party and became a bitter and angry Democrat. The other, a most admirable and excellent college president, told me that he thought the Commission were technically right. But he thought it better for the effect on the country that the Democratic contention should be sustained. As if in a question of Constitutional proceeding, or rather a question of Constitutional power, a determination could be technically right, and wrong upon the merits. If Congress, technically, that is according to the mandate of the Constitution, had no power to decide the result of the elections in the States, but that power was committed to State tribunals, how was it possible that any member of either House of Congress, who had sworn to support the Constitution, could usurp that power without being forsworn? Beside, it must be conceded by everybody to be utterly impossible that the power of investigating disputed questions, as to the choice of presidential electors by the States, should be exercised by Congress. There is no time for such an investigation by Congress. It could only be done where a few precincts or votes were in dispute, in places near the seat of Government. It would have been impossible to do it in time for the inauguration of the new President before the day of railroads and telegraphs for any State in the country. It would be impossible now to do it in parts of the country distant from the seat of Government. The choice of electors takes place in November. The result must be ascertained; the electors must meet; their votes must be given; they must be certified to Congress; the count must be made and result declared in Congress before the 4th of March, a period of less than four months. If there should be a contest made in each of the forty-five States, an investigation might be demanded for every election precinct in the country.

It seems to me clear that the power to judge of elections, returns, and qualifications of presidential electors is not given by the Constitution to the two Houses of Congress, or either of them. The power which it was deemed necessary carefully to express in regard to their own members, it could hardly have been intended to bestow by implication from the right to be present when the certificates are opened, or even from the right to count the votes. It is a power which it is utterly impracticable for Congress to exercise between the time when the certificates are brought officially to its knowledge, and the time when it must be determined who has been chosen President. Indeed, the distinguished counsel who closed the case for the Tilden electors* conceded this difficulty, to which his only answer was the suggestion that such an inquiry, like the right to the writ of *quo warranto*, must be limited by discretion; in other words, that the two Houses may go as far into the inquiry, who were duly chosen electors in any State, as they in their discretion think fit, or as time will permit.

[Footnote]

* Mr. Charles O'Connor.

[End of Footnote]

The statement of this position seems to be its refutation. We are now discussing a question of jurisdiction. In whom is the power to determine who have been appointed electors—in Congress or in the State? It was gravely answered that it is in Congress when the State to be investigated is near the seat of Government, or the inquiry to a few election precincts only, but it is to be left to the State in other cases; that Congress may exert a power of inquiry into an election in Delaware which is impossible as to California, or may inquire into one election district in New York, but cannot into twenty or a hundred. This claim would never have arisen in any man's mind before the days of railroads and telegraphs. Such investigations, possible only to the most limited extent now, would have been wholly impossible as to most of the States when the Constitution was adopted.

It is asked, is there no remedy if the officers to whom the States intrust the power of ascertaining and declaring the result of the election act fraudulently or make mistakes? The answer is that the Constitution of the United States gives no jurisdiction to Congress, when the certificates are opened and the votes are to be counted, to correct such mistakes or frauds. A like question may be put as to every public authority in which a final power of decision is lodged. The danger of mistake or fraud is surely quite as great if the final power be lodged in Congress, and the framers of the Constitution acted in nothing more wisely than in removing from Congress all power over the election of President.

There was never yet a political party in this country, or in England, which decided ordinary election

cases, except in the clearest case, on other than party considerations. In England and Canada it has been found necessary to commit to the courts the consideration of election cases. It is seldom that either House of Congress has resisted partisan temptation in election cases, when one seat only was the prize of the contest. Is it likely that public virtue would withstand the temptation of the Presidency?

The simple doctrine on which the Commission proceeded was that the right to determine absolutely and finally who are the duly chosen presidential electors is committed by the Constitution to the States. The judgment of the tribunal established by the State for that purpose is conclusive on all the world. Congress is only to count the votes of the officials found by the State to have the right to cast them.

It is said that in the Oregon case the Commission departed from this principle, which they had acted upon in the case of South Carolina, Florida and Louisiana. But there is not the slightest truth in that suggestion. In all of those three cases the laws of the State had established a tribunal with absolute right to determine all questions arising out of the election. The tribunal had the right to reject votes, or count votes, according as they found the votes to be lawful or unlawful. They had the right to reject returns from election precincts where they found there could have been no lawful or orderly election by reason of violence, or where they found the returns untrustworthy by reason of fraud. This power they exercised, and from it there was no appeal.

On the other hand the laws of Oregon did not provide for a board of State canvassers, but provided that the Secretary of State should canvass the votes in the presence of the Governor, and prepare duplicate lists thereof, which lists should be signed by the Governor and Secretary. These lists, certified by the Secretary, were before the Electoral Commission, and disclosed the choice of Republican electors. The Governor, however, undertook to declare his opinion of the result. That opinion was that a Democrat was chosen who had received less than a majority of the votes, or to use the phrase of the Governor, "received the highest number of votes cast for persons eligible," because his Republican competitor was not eligible; and he, therefore, certified that the Democrat had the largest number of votes cast for persons eligible. That Democratic elector proceeded then to hold a meeting, at which he was the only person present, and as the two Republicans whom everybody admitted were lawfully chosen, did not meet with him, he proceeded to fill two vacancies himself.

The Secretary of State made the canvass required by law, recorded it and filed it in his office. He made that canvass in the presence of the Governor. He could not change it. He could not tamper with it. He had completed his official duty when he had completed it. So that the Governor's certificate as to the effect of the election was of no more official character than a like certificate of the Governor-General of India would have been.

There was no claim or pretence in any quarter that the Republicans did not have a lawful majority of the votes cast for electors in Oregon. The only claim was that one of the electors was postmaster, and that he did not lawfully resign before he was chosen elector. He was postmaster at the time of the election, but resigned a few days later. He was also chosen after he had resigned to fill the vacancy in the Electoral College, if his ineligibility created a vacancy, in the regular form according to the laws of Oregon. There was no question or pretence in any quarter that the will of the people of Oregon was not given due effect by the judgment of the Electoral Commission.

I do not believe that there are any considerable number of intelligent persons in the country, now that the excitement of the time has gone by, who doubt that the will of the people of South Carolina and Florida and Louisiana was carried into effect by the judgment of the Commission; and that their judgment baffled an unscrupulous conspiracy to deprive the majorities in those States of their lawful rights in the election because those majorities were made up largely of negroes.

CHAPTER XXVII FOUR NATIONAL CONVENTIONS 1876

It has been my fortune to be a delegate from Massachusetts in four National Conventions for the nomination of President and Vice-President—those of 1876, 1880, 1884 and 1888. In the first I was a delegate from the Worcester district, which I then represented in Congress. In the other three I was at the head of the delegation at large. I presided over that of 1880.

The history of these conventions is of great interest. It shows the rudeness of the mechanism by which the Chief Executive of this country is selected, and what apparently slight and trivial matters frequently determine the choice. As is well known, the framers of the Constitution, after considering very seriously the question of entrusting the power of choosing the President to the Senate, determined to commit that function to electoral colleges, chosen in the several States in such manner as their legislatures should determine, all the electors to give their votes on the same day. It is generally stated that the President and Vice-President cannot be from the same State. That is not true. The Constitutional provision is that electors in their respective States shall vote by ballot for President and

Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves.

It was intended that the choice of the President should not be a direct act of the people. It was to be committed to the discretion of men selected for patriotism, wisdom and sobriety, and removed as far as might be from all the excitements of popular passion.

The Constitution further provides that no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector. It was undoubtedly the chief object of this last provision to prevent the perpetuation of power in the same hands, or under the same influences, by removing the choice of President wholly from the control of persons wielding National authority. In a considerable measure this purpose has been defeated. The elector, in practice, is a mere agent or scribe. He records and executes the will of the nominating convention of the party to which he belongs, in which the real power of selection is in fact lodged. In these conventions members of Congress, and holders of National office, take frequently an active and influential share. It is remarkable, however, how often the nominating conventions have discarded the candidates who were favored by the holders of executive office or the two Houses of Congress. And where such candidates have been nominated by the convention of either party, they have often been defeated at the polls. General Harrison, in 1840, was nominated instead of Webster or Clay, who were the leaders of the Whig Party, and doubtless the favorites at Washington. In 1844, when Mr. Clay received the Whig nomination, he was defeated by Mr. Polk, who had, I suppose, hardly been heard of as a candidate in political circles at the Capital. In 1848 the popular feeling again compelled the nomination of a candidate, General Taylor, over the favorite leaders at the Capital. In 1852 Fillmore and Webster were both rejected by the Whigs for General Scott, and General Pierce was summoned from private life for the Democratic nomination. In 1860 Seward was rejected for Lincoln. And in 1876 Hayes, whose National service had consisted of but one term in the House of Representatives, was chosen as the result of a contest in which Blaine, Conkling, Morton and Bristow, distinguished National statesmen, were the defeated competitors. So, in 1880, Garfield, who had not been much thought of in official circles, was selected as the result of a mighty struggle in which Grant and Blaine were the principal champions, and in which Edmunds and Sherman, who had long been prominent in the Senate, were also candidates.

Republican National Conventions since the War of the Rebellion have been embarrassed by another influence, which I hope will disappear. In many of the Southern States the Democratic Party consists almost entirely of whites who have possessed themselves of the forces of government by criminal processes, which have been a reproach not only to this country, but to civilization itself. The Republicans, however numerous, and although having a majority of lawful voters in most of these States, have been excluded from political power. They have however, of course, had their full proportionate representation in the National Convention of the Republican Party. Their delegates have too often been persons who had no hope for political advancement in their own States, and without the ambition to commend themselves to public favor by honorable public service, of which that hope is the parent. They have been, therefore, frequently either National office-holders who may reasonably be supposed to be under the influence of the existing Administration, or likely to be governed by a hope of receiving a National office as a reward for their action in the convention; or persons who can be influenced in their actions by money. This Southern contingent has been in several of our National Conventions an uncertain and an untrustworthy force.

The Republican nominating convention of 1876 was held at Cincinnati on June 14. The delegates from Massachusetts were:

At Large.—E. R. Hoar, Richard H. Dana, Jr., Paul A. Chadbourne, John M. Forbes.

From Districts.—William T. Davis, Robert T. Davis, John E. Sandford, Edward L. Pierce, Henry D. Hyde, J. Felt Osgood, Alpheus Hardy, C. R. McLean, James M. Shute, James F. Dwinal, George B. Loring, Henry Carter, William A. Russell, C. H. Waters, James Freeman Clarke, James Russell Lowell, A. J. Bartholomew, George F. Hoar, James F. Moore, William Whiting, Edward Learned, S. R. Phillips.

The struggle for the nomination equalled in bitterness and in importance many of the contests between different political parties that had preceded it. While the great majority of the Republicans retained confidence in the personal integrity and patriotism of President Grant, it had become painfully manifest that he was often an easy victim to the influence of unscrupulous and designing men. Grant never lost his hold upon the hearts of the Northern people. Wherever there was a contest in any State for political supremacy the least worthy faction frequently got his ear and his confidence. He never wavered in his attachment to the doctrines of his party— protection, sound principles of finance and

currency, honesty in elections. But the old political leaders, whom the people most trusted, were more and more strangers to his presence, and ambitious and designing men, adventurers who had gone South to make fortunes by holding office, men interested in jobs and contracts, thronged the ante-chambers of the White House. The political scandals, always likely to follow a great war, seemed to be increasing rather than diminishing during his second term of office.

I never thought that the proper way to put an end to this state of things was to abandon what I deem sound political principles, or to abandon the party that was formed to establish them. I should as soon have thought of turning Tory because of like complaints in the Revolutionary War, or of asking George III. to take us into favor again because of like scandals which existed during the Administrations of Washington and John Adams. But I thought, in common with many others, that a party of sound principles could be made and should be made a party of pure politics.

The two divisions in the Republican Party, which I have indicated, marshalled their forces for the struggle in the convention of 1876. The friends of Mr. Blaine were generally those Republicans who had been dissatisfied with the conduct of the Administration. They embraced, also, the larger number of the enthusiastic young Republicans, who were attracted by Blaine's brilliant qualities, as were those who had come in contact with him by the marvellous personal charm of his delightful and gracious manners. Roscoe Conkling was regarded as the leader of the other party. The House of Representatives, by an almost unanimous vote, had adopted the resolution declaring that it was contrary to sound principle to elect a President for a third term. So General Grant himself was not a candidate.

But as the time for the convention drew near, there had been an investigation in the House of Representatives into the affairs of the Little Rock and Fort Smith Railroad, which had resulted in some uncomfortable revelations with reference to Mr. Blaine. He was charged with having acquired stocks in railroads which were to be affected by National legislation, either without consideration or for a consideration far below their true value, and of having eagerly sought to acquire other similar stocks, the real consideration which he paid, or expected to pay, being the use of his official influence in behalf of these corporations. This investigation, ordered by the Democratic House of Representatives, was conducted by a majority of the committee charged with it, in a spirit of bitter hostility. The investigation was still in progress when the Republican Convention met. The facts, which were distorted and discolored in public report, impressed many excellent persons unfavorably to Mr. Blaine, and a few with a belief of his guilt. They were used dexterously by his political opponents and by his rivals in his own party, and by some conspicuous persons who had, or thought they had, personal grievances against him, to excite the public mind. On the other hand, as is natural in such cases, the great body of Mr. Blaine's friends clung all the closer to him from a belief that he was the object of unjust and malignant slander.

I did not think it, under the circumstances, wise to nominate Mr. Blaine, either in 1876 or later. I believed then, and now believe, that he would have been an admirable President of the United States. But I did not think it wise to put at the head of a movement for reform and for purity of administration, a man whose supporters must defend him against such charges, and who must admit that he had most unwisely of his own accord put himself into a position where such charges were not only possible, but plausible. But I was exceedingly anxious that a candidate should be found who would be not only agreeable to Mr. Blaine and his supporters, but whom, if possible, they should have a large influence in selecting.

Such a candidate, it was hoped, might be found in Mr. Bristow. He was a great favorite in his own State. He was a man of spotless integrity and great ability. He had been a Union soldier. He was from Kentucky, and his selection as a candidate would remove the charge of sectionalism from the Republican Party, and tend to give it strength with the white people of the South. He had made an admirable Attorney-General, and an admirable Secretary of the Treasury. He had been appointed to the Cabinet by Grant. He had not been long enough in public service to have encountered the enmities which almost always attach themselves to men long in office, and he represented no clique or faction. He was a man of clean hands and of pure heart. For a good while it seemed as if the rival aspirations of Blaine and Bristow might exist without ill-feeling, so that when the time came, the supporters of either might easily give their support to the other, or agree without difficulty in the support of some third person. I gave a banquet at Wormley's in the spring of 1876, which I hoped might have some tendency toward this desired harmony. There were about forty guests. Mr. Blaine sat on my right hand as the guest of honor, and Mr. Bristow on the left. They talked together, as I sat between them, during the whole evening in the most friendly and delightful way, telling humorous anecdotes relating to their own campaigns, as pleasantly as if they had been describing the canvass of some third person whom they were both supporting. I do not believe there was at that time in the heart of either a tinge of anger against the other.

But as the contest went on, Mr. Blaine seems to have become possessed with a belief that the bitter

public attacks upon him were instigated by Bristow. Some of the Kentucky papers had been specially bitter. The Republican Convention opened in Cincinnati, Wednesday, June 14. The Sunday morning before Mr. Blaine fell in a swoon on the steps of the church at the corner of G and Tenth Streets in Washington. He was carried to his house on Fifteenth Street. Bristow was in his office in the Treasury Department when a friend called upon him, and gave him the news of Blaine's attack, and said: "Would it not be well for you to go round and express your interest?" Bristow took his hat, and the two friends went together to Mr. Blaine's house.

An occurrence took place there which satisfied them both that the feeling against Bristow on the part of Mr. Blaine and his near friends was exceedingly strong and implacable. The story was immediately telegraphed in cipher to Mr. Bristow's principal manager at Cincinnati, from whom I had it a day or two before committing it to paper. The facts were communicated by him in confidence to members of the Kentucky delegation.

On the first six ballots the total number of votes cast was 754. Three hundred and seventy-eight were necessary for a choice. Mr. Blaine received votes varying from 285 on the first ballot to 308 on the sixth. On all these ballots, but two, Bristow had the second largest number, ranging from 111 to 126. On the first and second ballot he was led by Morton, who had 124 and 120 votes, and was closely followed by Conkling, whose highest vote was 99. At the end of the sixth ballot it had become manifest that the opponents of Blaine, if they expected to succeed, must unite on a candidate. A portion of the Pennsylvania delegation had already voted for Blaine, who was a native of that State. Others had been held in restraint from voting for him with difficulty, by the influence of Don Cameron, chairman of the delegation and a strong adherent of Grant. The New York Conkling men and the majority of the Pennsylvania delegation, led by Cameron, determined to cast their votes for Hayes, of Ohio, to prevent the nomination of Blaine. In doing that they were to unite with their most earnest antagonists and give their support to a candidate who probably sympathized with them less than any other on the list. It was manifest to the Kentucky delegation that they must make their choice between Blaine and Hayes, and that their choice would decide the nomination. They had a hurried consultation and determined to vote unanimously for Hayes. The going over of Kentucky to Hayes was followed by the other States that had opposed Blaine. Hayes had on the final ballot 384 votes, Blaine 351, and there were 21 cast for Bristow, which had been cast by States standing earlier in alphabetical order on the roll, who had cast their votes before the stampede began. If Kentucky had cast her 24 votes for Blaine, he would have been nominated. I was told by the close friend of Bristow, of whom I have spoken, and I have no doubt he is right, that the Kentucky Republicans had felt very kindly toward Blaine, and their action was determined by the knowledge of the transaction I have just related. They thought that if this bitterness and anger and dislike of Mr. Bristow existed in the mind of Mr. Blaine, it was hardly worth while for Bristow's friends and supporters to clothe him with the Presidential office. If Bristow had not visited Blaine's house that Sunday morning, Blaine would, in my opinion, have been the Republican candidate for the Presidency.

What would have been the result if Mr. Blaine had been nominated in 1876, it is now idle to speculate. I am satisfied, in looking back, that I myself underrated his strength as a candidate. But it seems likely that he would have had the votes of all the States which President Hayes received, and would have been stronger than Hayes in New York.

Mr. Hayes came to the Presidency under circumstances of great difficulty and embarrassment. He was in my judgment one of the wisest, sincerest and most honest and patriotic men who ever held the office.

But President Hayes's Administration was embarrassed by the disputes about his title. The House of Representatives was against him in the first Congress of his term, and in the second Congress the Senate and House were in the hands of his political opponents. He also throughout the whole term had to encounter the hardly disguised hostility of nearly all the great leaders of his own party in both Houses of Congress. Conkling never spoke of him in public or private without a sneer. I suppose he did not visit the White House or any Department during President Hayes's term. Mr. Blaine was much disappointed by President Hayes's refusal to give Mr. Frye a place in the Cabinet, which he desired as a means of composing some incipient jealousies in Maine. Hamlin, who was a very influential Senator, was much disgusted by the President's inclination to reform the civil service. This feeling was largely shared by Simon Cameron, of Pennsylvania, an able and patriotic man, who ruled the Republican Party in that State with a despotic hand, and had as little respect for the doctrines of the civil service reformers as you might expect from one of his Highland ancestors who ruled over the Clan Cameron in the days of the Scotch Stuarts. Cameron had also a personal grievance, although I do not think that made any difference in his feeling. He had been proposed by the Pennsylvania delegation for the appointment to the English Mission. But the proposition had not been received with favor by President Hayes. Under these difficulties, it is greatly to his honor that so much of public good was accomplished in his time, and that he handed over the Government to a Republican successor.

As the time approached for the Republican Convention of 1880, it had become clear that it would witness a mighty struggle. Conkling, Don Cameron, who had succeeded to his father's power in Pennsylvania, and Logan, of Illinois, the most distinguished volunteer soldier of the war, and a great favorite with his old comrades, were the most conspicuous leaders of the party who desired to restore the old Grant regime. They were seconded by Howe, formerly Senator from Wisconsin and later Postmaster-General under President Arthur, Creswell, of Maryland, Postmaster-General in Grant's first term, Governor Boutwell, of Massachusetts, who had a very distinguished public career as Governor, member of the House of Representatives, Secretary of the Treasury, and Senator. They selected as their candidate their old chieftain, General Grant. He was strong not only in the powerful support of these great political leaders, but in the solid confidence of the great Methodist denomination to which he belonged, in the love of the old soldiers, in the memory of his great public service, both in war and peace, and the general respect of the whole American people. Against this was the unwritten, but well-understood, rule of action by which the people had been governed since the time of Washington, that no person should be elected to the office of President for more than two terms. Against him, also, was the feeling that his judgment, which had been sound and unerring in the selection of fit men for good military service, was very much at fault in choosing men in whom he should confide in civil affairs. There was a further feeling that the influence of unworthy politicians, which had been powerful with him during his second term, would be more powerful if he should go back to the Presidency with their aid.

Mr. Blaine's old popularity had been increased in the four years since his former defeat. Many people believed that he had been not only unjustly but cruelly treated, and were eager to record their verdict of acquittal from the malignant charges which had been made against him since 1876. There was a third class, of whom I was one, who felt that it would be unwise to nominate either General Grant or Mr. Blaine. While they had a great respect for the character of Grant, they dreaded the influences which would be sure to surround him, if he should come to the Presidency again. While they had the kindest feeling for Mr. Blaine and shared the public indignation at the character of the attacks of which he had been the victim, they did not like to have a candidate who would be so handicapped. Mr. Blaine's own imprudence had unquestionably given an opportunity and a plausibility to these slanders. They thought, also, that the nomination of either Grant or Blaine would create a feeling of anger and disappointment in the supporters of the defeated candidate, which would seriously endanger the election. They looked about, therefore, for a person who might not be obnoxious to either the Blaine men or the Grant men, and found such a person in Mr. Edmunds of Vermont. He was a man of ability and long public service. He was not a person calculated to inspire much popular enthusiasm, but answered very well as a standard-bearer, although his supporters were ready to transfer their support to another candidate, other than Blaine or Grant, on whom a majority of the Convention should be brought to unite. Mr. Sherman had also a considerable body of supporters who respected him for his eminent talents and long and valuable services.

General Grant had a peculiarly strong hold on the Republicans of Massachusetts. They shared with all patriotic men throughout the country a profound gratitude for his illustrious military services. They had been impressed by a feeling of great respect for his personal qualities. The modesty which led him to refuse to enter Richmond in triumph at the close of the war; the simplicity of his behavior; the magnanimity which led him to claim so little praise for himself and give so much of the credit to which he was entitled to Sheridan and Sherman, and others of his military associates; his incorruptible personal honesty; his soundness and firmness in dealing with all questions affecting the public credit, the integrity of the currency, and the rights of citizenship, had endeared him to the people of a Commonwealth which ever valued such traits in her public men. The Methodist denomination, always large in Massachusetts and powerful in her Republican councils, was proud that this statesman and warrior was of its fold. As the time for the convention approached, four ex-Governors, men of great personal influence, leaders in the Republican Party, yet of highly different character, who represented very different shades of Republican opinion—Boutwell, Bullock, Claflin and Rice—declared themselves in favor of nominating him again. Nothing could have prevented his carrying Massachusetts as by a great wave, but the fact that he had been, in his second term, subject to a most unworthy influence in the matter of appointments to public office. The whole National executive patronage in Massachusetts seemed given up to advancing the personal fortunes of General Butler. Brave soldiers, honored Republicans, were turned out of post-offices, to be replaced by incompetent and dishonorable adventurers, odious in the neighborhoods from which they came, to please this ambitious and unscrupulous man. This excited a deep indignation which culminated when William A. Simmons was made Collector of Boston. No personal respect for General Grant could induce the Massachusetts Republicans to run the risk of having again a President who was subjected to personal influences like these. But for the appointment of Simmons as the principal Federal officer in Massachusetts, I think she would have supported Grant for a third term. The Edmunds movement would never have been

made, and his nomination at Chicago would have been certain.

The State Convention passed resolutions in favor of Mr. Edmunds, and elected as Delegates-at-Large, George F. Hoar, Worcester; Charles B. Codman, Boston; John E. Sanford, Taunton; and Julius H. Seelye, Amherst.

The District Delegates were: Charles W. Clifford, New Bedford; Azariah Eldridge, Yarmouth; William C. Lovering, Taunton; F. A. Hobart, Braintree; Phineas Pierce, Boston; Choate Burnham, Boston; Eustice C. Fitz, Chelsea; Daniel Russell, Melrose; Dudley Porter, Haverhill; N. A. Horton, Salem; George S. Boutwell, Groton; George A. Marden, Lowell; R. M. Morse, Jr., Boston; George W. Johnson, Milford; W. S. B. Hopkins, Worcester; William Knowlton, Upton; Alpheus Harding, Athol; Timothy Merrick, Holyoke; Wellington Smith, Lee; M. B. Whitney, Westfield.

Of these, three were in favor of Grant, namely, Boutwell, Eldridge, Marden; two were in favor of Sherman, and one for Washburn.

The others voted for Mr. Edmunds in the beginning, meaning to defeat both Grant and Blaine if they could, and were ready to agree on any man of respectable character and capacity by whom that defeat could be accomplished.

George F. Edmunds had a high reputation in the country as an able lawyer, and a faithful and independent Senator. He had unquestionably rendered great public service in the Senate. If elected, I believe he would have administered the Presidency on the principles which a large majority of the people of Massachusetts hold. He was an excellent debater. He was very fond of criticising and objecting to what was proposed by other men. He seemed never so happy as when in opposition to the majority of his associates. But he possessed what persons of that temper commonly lack, great capacity for constructive statesmanship. Any measure of which he was the author would be likely to accomplish its purpose, and to stand fire.

David Davis, who was President pro tempore of the Senate, used to say he could always compel Edmunds to vote in the negative on any question by putting the question in the old New England fashion, "Contrary-minded will say no," for Edmunds was always contrary-minded. I once told him, borrowing a saying of an Englishman, that if George Edmunds were the only man in the world, George would object to everything Edmunds proposed.

The morning after the Massachusetts Convention of 1880, when the convention passed resolutions, proposing Edmunds as a candidate for the Presidency, and placing me first on the delegation at large, Edmunds came to me and said, I have no doubt with absolute sincerity: "I have seen the proceedings of your convention yesterday. If I know myself, I have no desire to be President of the United States. I do not think I am fit for it, and if I were, I should much prefer my present service as Senator. I would say so in a public letter, but I suppose the chances of my nomination are so slight that it might seem ridiculous to decline." I said: "But, Edmunds, just think of the fun you would have vetoing bills." He smiled, and his countenance beamed all over with satisfaction at the idea, and he replied, with great feeling: "Well, that would be good fun."

So while, as I have said, the Massachusetts delegates, most of them, supported Mr. Edmunds as a person likely to hold some votes until the opposition to Grant might be concentrated on some other candidate to be agreed on as the proceedings of the convention went on, and while I think he would have made an excellent President if he had been chosen, his candidacy was never a very strong one.

This convention was menaced by a very serious peril. A plan was devised which, if it had been successful, would, in my judgment, have caused a rupture in the convention and the defeat of the Republican Party in the election. The Chairman of the Republican National Committee was Don Cameron of Pennsylvania, then and for some years afterward a Senator of the United States from that State. He was an ardent supporter of President Grant and had been Secretary of War in his Cabinet, as his father had been in the Cabinet of President Lincoln. Like his father before him, he had ruled the Republican Party of Pennsylvania with a strong hand. He was not given to much speaking. He was an admirable executive officer, self-reliant, powerful, courageous and enterprising, with little respect for the discontent of subordinates. He was supported by a majority of the delegates from Pennsylvania, although Blaine, who was a native of that State, had a large following there. The New York delegation was headed by Roscoe Conkling, who had great influence over Grant when he was President, and

expected to retain that influence if he became President again. The Maryland delegation was headed by J. A. J. Creswell, who had been Postmaster-General more than five years in Grant's two Administrations. On the Massachusetts delegation, as I have said, was Governor Boutwell, Grant's Secretary of the Treasury during nearly the whole of his first term, and on that from Illinois John A. Logan. These men had a large following over the whole country. There were three hundred and eight persons in the convention who could be counted on to support Grant from beginning to end, and about a dozen more were exceedingly disposed to his candidacy. The State Conventions of the three largest and most powerful States, New York, Pennsylvania and Illinois, and possibly one or two others, that I do not now remember, had instructed their delegates to vote as a unit for the candidate who should be agreed upon by the majority. Grant had a majority in each of these States. But there was a minority of 18 in Illinois, 26 in Pennsylvania, and 19 in New York, who were for other candidates than Grant. If their votes had been counted for him it would have given Grant on the first ballot 367 votes, 13 less than the number necessary for a choice. As his votes went up on one of the ballots to 313, it is pretty certain that counting these 63 votes for Grant would have insured his nomination. But there were several contests involving the title of their seats of 16 delegates from the State of Louisiana, 18 from Illinois, and three others. In regard to these cases the delegates voted in accordance with their preference for candidates. This was beside several other contests where the vote was not determined by that consideration. Now if the vote of Illinois, Pennsylvania and New York had each been cast as a unit, in accordance with the preference of the majority of the delegation in each case, these 37 votes would have been added to Grant's column and subtracted from the forces of his various antagonists; and the 63 votes of the minority of the delegations in these three States would also have been added to the Grant column, which would have given him a total vote of more than 400, enough to secure his nomination. So the result of the convention was to be determined by the adaption or rejection of what was called the unit rule.

Don Cameron, the Chairman of the National Committee, left the Senate for Chicago about ten days, I think, before the day fixed for the meeting of the convention. It was whispered about before his departure that a scheme had been resolved upon by him and the other Grant leaders, which would compel the adoption of the unit rule, whatever might be the desire of the convention itself. It was his duty, according to established custom, to call the convention to order and to receive nominations for temporary presiding officer. He was pledged, upon those nominations, as it was understood, to hold that the unit rule must be applied. In that way the sitting members from the disputed States and districts would be permitted to vote, and the votes of the three States would be cast without dissent for the Grant candidate. When the temporary President took his place he would rule in the same way on the question of the choice of a permanent President, and the permanent President would rule in the same way on the conflicting votes, for the appointment of committees, for determining the seats of delegates, and finally the nomination of the candidates for President and Vice-President. If the minority claimed the right to vote and took an appeal from his decision, he was to hold that on the vote on that appeal the same unit rule was to apply. If a second point of order were raised, he would hold, of course, that a second point of order could not be raised while the first was pending. So the way seemed clear to exclude the contesting delegates, to cast the votes of the three great States solid for Grant, and compel his nomination.

But the majority of the National Committee, of which Cameron was Chairman, was opposed to Grant. They met, I think, the day before the meeting of the convention to make the preliminary arrangements. Mr. Cameron, the Chairman, was asked whether it was his purpose to carry out the scheme I have indicated. He refused to answer. A motion was then made that the Chairman, after calling the convention to order, be instructed to receive the vote of the individual delegates without regard to the instruction of the majority of their delegation. Cameron refused to receive motions on that question, saying that it was a matter beyond the jurisdiction of the committee. A large part of the entire day was spent in various attempts to induce Cameron either to give a pledge or permit a resolution to be entertained by the committee, instructing him as to his action. He was supported by Mr. Gorham, of California, who I believe was not a member of the committee, but was present either as Secretary or as *Amicus Curiae*. He was an experienced parliamentarian, and for a long time had been Secretary of the Senate of the United States. The discussion for the majority was conducted largely by Mr. Chandler, of New Hampshire, afterward Secretary of the Navy, and later Senator. After spending a large part of the day in that discussion, some time in the afternoon an intimation was made, informally, and in a rather veiled fashion, that, unless they had more satisfactory pledges from Mr. Cameron, he would be removed from the office of Chairman, and a person who would carry out the wishes of the committee be substituted. The committee then adjourned until the next morning. Meantime the Grant managers applied to Colonel Strong, of Illinois, who had been already appointed Sergeant-at-Arms by the committee, and who was a supporter of Grant, to ascertain whether, if the committee were to remove Cameron and appoint another chairman, he would recognize him as a person entitled to call the convention to order and preside until a temporary Chairman was chosen, and would execute his lawful orders, or whether he would treat them as without effect and would execute the orders of Cameron. He

desired time of consideration, which was conceded. He consulted Senator Philetus Sawyer of Wisconsin, who was himself in favor of General Grant, but who desired above all things the success of the Republican Party, and was not ready for any unlawful or revolutionary action. Mr. Sawyer was a business man of plain manners, and though of large experience in public life, was not much versed in parliamentary law. He called into consultation ex-Senator Timothy O. Howe, of Wisconsin, formerly Senator from that State, and afterward Postmaster-General under Arthur. He was a very able and clear-headed lawyer, and had a high reputation for integrity. He advised Mr. Strong that the committee might lawfully depose their Chairman and appoint another, and that it would be his duty, as Sergeant-at-Arms, to recognize the new Chairman and obey his lawful orders. Strong was under great obligations to Sawyer, who had aided him very largely in business matters, and had a high respect for his judgment. He gave his response to the Grant leaders in accordance with the advice of Mr. Howe, in which Senator Sawyer concurred. They had intended to make General Creswell the President of the convention. But finding it impossible to carry their plans into effect, in order to prevent the severe measure of deposing the Chairman of the committee, they consented that the assurances demanded should be given. There was then a negotiation between the leaders on the side of Grant and of Blaine for an agreement upon a presiding officer. It was well known that I was not in favor of the nomination of either. Senator Hamlin, formerly Vice-President and then a Senator, proposed my name to Mr. Conkling as a person likely to be impartial between the two principal candidates. Mr. Conkling replied that such a suggestion was an insult. Hamlin said: "I guess I can stand the insult." But on consultation of the Grant men and the Blaine men it was agreed that I should be selected, which was done accordingly. I was nominated orally from the floor when Mr. Cameron called the convention to order, and chosen temporary President by acclamation and unanimously. As proceedings went on it was thought best not to have any division or question as to a permanent Chairman and it was at the proper time ordered, also without objection, that I should act as permanent President.

But the Grant leaders were still confident. They felt sure that none of their original votes, numbering three hundred and more, would desert them, and that it would be impossible for the rest of the convention, divided among so many candidates, to agree, and that they would in the end get a majority.

I was myself exceedingly anxious on this subject. I also felt that if the followers of Grant could get any pretext for getting an advantage by any claim, however doubtful, that they would avail themselves of it, even at the risk of breaking up the convention in disorder, rather than be baffled in their object. So the time to me was one of great and distressing responsibility. The forces of Grant were led on the floor of the convention by Roscoe Conkling, who nominated him in a speech of great power and eloquence. The forces of Blaine were led, as they had been in 1876, very skilfully by Senators Hale and Frye. Garfield was the leader of the supporters of Mr. Sherman. One of the greatest oratoric triumphs I ever witnessed was obtained by Garfield. There had been a storm of applause, lasting, I think, twenty-five minutes, at the close of Conkling's nominating speech. It was said there were fifteen thousand persons in the galleries, which came down very near the level of the floor. The scene was of indescribable sublimity. The fate of the country, certainly the fate of a great political party, was at stake, and, more than that, the selection of the ruler of a nation of fifty millions of people—a question which in other countries could not have been determined, under like circumstances, without bloodshed or civil war. I do not think I shall be charged with exaggeration when I speak of it in this way. I can only compare it in its grandeur and impressiveness to the mighty torrent of Niagara. Perhaps I cannot give a satisfactory reason for so distinguishing it from other like assemblies that have gathered in this country. But I have since seen a great number of persons from all parts of the country who were present as members or spectators, and they all speak of it in the same way. A vast portion of the persons present in the hall sympathized deeply with the supporters of Grant. Conkling's speech, as he stood almost in the centre of that great assembly on a platform just above the heads of the convention, was a masterpiece of splendid oratory. He began:

And when asked what State he hails from,
Our sole reply shall be,
He comes from Appomattox,
And its famous apple-tree.

It was pretty difficult for Garfield to follow this speech in the tempest of applause which came after it. There was nothing stimulant or romantic in the plain wisdom of John Sherman. It was like reading a passage from "Poor Richard's Almanac" after one of the lofty chapters of the Psalms of David. Garfield began, quietly:

"I have witnessed the extraordinary scene of this convention with deep solicitude. Nothing touches my heart more quickly than a tribute of honor to a great and noble character. But as I sat in my seat and witnessed this demonstration, this assemblage seemed to me a human ocean in a tempest. I have seen the sea lashed into fury and tossed into spray, and its grandeur moves the soul of the dullest man; but I remember that it is not the billows, but the calm level of the sea from which all heights and depths

are measured. When the storm has passed and the hour of calm settles on the ocean, when the sunlight bathes its peaceful surface, then the astronomer and surveyor take the level from which they measure all terrestrial heights and depths.

"Gentlemen of the Convention, your present temper may not mark the healthful pulse of our people. When your enthusiasm has passed, when the emotions of the hour have subsided, we shall find below this storm and passion that calm level of public opinion from which the thoughts of a mighty people are to be measured, and by which their final action will be determined.

"Not here, in this brilliant circle where fifteen thousand men and women are gathered, is the destiny of the Republic to be decreed for the next four years—not here, where I see the enthusiastic faces of seven hundred and fifty-six delegates, waiting to cast their lot into the urn and determine the choice of the Republic; but by four millions of Republican firesides, where the thoughtful voters, with wives and children about them, with the calm thoughts inspired by love of home and country, with the history of the past, the hopes of the future, and reverence for the great men who have adorned and blessed our nation in days gone by, burning in their hearts—*there* God prepares the verdict which will determine the wisdom of our work to-night. Not in Chicago, in the heat of June, but at the ballot-boxes of the Republic, in the quiet of November, after the silence of deliberate judgment, will this question be settled."

Conkling, while exciting the admiration of all men for his dexterity and ability, lost ground at every step. He made a foolish attempt to compel the passage of a resolution depriving of their rights to vote delegates who refused to pledge themselves to support the choice of the convention whoever it might be. His speech nominating Grant contained a sneer at Blaine. So, while he held his forces together to the last, he made it almost impossible for any man who differed from him in the beginning to come to him at the end. On the contrary everything that Garfield said was marked by good nature and good sense. I said on the first day of the convention that in my opinion if the delegates could be shut up by themselves and not permitted to leave the room until they agreed, the man on whom they would agree would be General Garfield. This desire became more and more apparent as the convention went on. At last, on the thirty-sixth ballot, and the sixth day of the convention, the delegates who had previously voted for other candidates than Grant, began to wheel into line for Garfield. Garfield had one vote from the State of Pennsylvania in previous ballots. But on the thirty-fourth ballot Wisconsin, the last State to vote in alphabetical order, had given him her sixteen votes, and on the thirty-sixth ballot she was joined by the delegates who had voted for other candidates than Grant. Grant held together his forces till the last, receiving three hundred and thirteen votes on the thirty-fifth ballot, and three hundred and six on the thirty-sixth. It was a sublime moment, which it was hoped would determine the destiny of the Republic for many years, a hope which was cruelly disappointed by Garfield's untimely death. It was, as might be well believed, a moment of sublime satisfaction to me. Garfield had been my friend for many years. I had sat close to him in the House of Representatives for three terms of Congressional service. He had been my guest at my house in Worcester; and I had been his colleague on the Electoral Commission in 1876. He had been educated at a Massachusetts college. He was of old Middlesex County stock. We were in thorough accord in our love for New England, our firm faith in her hereditary principles, and our pride in her noble history.

Garfield has been charged, in accepting the nomination for the Presidency, with having been untrue to the interests of John Sherman, who was the candidate of Ohio, and whom Garfield had supported faithfully through every ballot. The charge is absolutely unjust. Mr. Sherman's nomination was seen by everybody to have been absolutely impossible long before the final result. I was in constant consultation with leaders of the different delegations who were trying to unite their forces. There never was any considerable number of those persons who thought the nomination of Mr. Sherman practicable, notwithstanding the high personal respect in which they held him. At the close of the thirty-fourth ballot, when Garfield received seventeen votes, he rose, and the following incident took place:

Mr. Garfield, of Ohio: "Mr. President, ——"

The President: "For what purpose does the gentleman rise?"

Mr. Garfield: "I rise to a question of order."

The President: "The gentleman from Ohio rises to a question of order."

Mr. Garfield: "I challenge the correctness of the announcement. The announcement contains votes for me.

No man has a right, without the consent of the person voted for, to announce that person's name, and vote for him, in this convention. Such consent I have not given."

The President: "The gentleman from Ohio is not stating a question of order. He will resume his seat. No

person having received a majority of the votes cast, another ballot will be taken. The Clerk will call the roll."

This verbatim report is absolutely correct, except that where there is a period at the end of Mr. Garfield's last sentence there should be a dash, indicating that the sentence was not finished. I recollect the incident perfectly. I interrupted him in the middle of his sentence. I was terribly afraid that he would say something that would make his nomination impossible, or his acceptance impossible, if it were made. I do not believe it ever happened before that anybody who attempted to decline the Presidency of the United States was to be prevented by a point of order, or that such a thing will ever happen again.

During the thirtieth ballot a vote was cast by a delegate from the Territory of Wyoming for General Philip H. Sheridan. General Sheridan, who was upon the platform as a spectator, came forward instantly, and said: "I am very much obliged to the delegate from Wyoming for mentioning my name in this convention, but there is no way in which I could accept a nomination from this convention, if it were possible, unless I should be permitted to turn it over to my best friend." The President said: "The Chair presumed the unanimous consent of the convention to permit the illustrious soldier who has spoken to interrupt its order for its purpose. But it will be a privilege accorded to no other person whatever." The General's prompt suppression of this attempt to make him a candidate was done in a direct and blunt soldierly fashion. I did not think it best to apply to him the strictness of parliamentary law; and in that I was sure of the approval of the convention. But the precedent of permitting such a body to be addressed under any circumstances by a person not a member would be a dangerous one, if repeated. Perhaps I may with propriety add one thing of a personal nature. It has been sometimes charged that the delegates from Massachusetts were without great influence in shaping the result of this convention. They moved, and carried, against a formidable opposition, the civil service plank, which embodied the doctrine of civil service reform as among the doctrines of the Republican Party. Of whatever value may be attributed to the humble services of the President of the Convention, they are entitled to the credit. They had, I think, more to do than any other delegation with effecting the union upon Garfield. Of course the wishes of Mr. Blaine had very great influence indeed. I think he preferred Garfield to any other person except Robert Lincoln, of Illinois, of whom he spoke to me as a person from whom it would be impossible to keep the votes of the colored delegates from the South, and who would be, by reason of the respect felt for his father's memory, highly acceptable through the country. But Mr. Lincoln, under the circumstances, could not have got the support of his own State, and without it it seemed unwise to attempt a union upon him.

But to continue with what is personal to myself and the delegation from Massachusetts. When I got back to the Capitol, as I went into the cloak-room of the Senate to leave my hat, Don Cameron sat there surrounded by a group of interested listeners. He was relating to them the story of the great contest. As I approached the group he looked up and said:

"There comes Massachusetts. There were twenty-three men from Massachusetts who went there to keep six hundred men from doing what they wanted to. And, by God, they did it."

A few Sundays after his inauguration, during the spring session of the Senate, President Garfield invited Mrs. Hoar and myself to dinner at the White House. President Hopkins, his old friend and teacher, and Mrs. Hopkins were there. There were no other guests, except Judge Nott and his wife, President Hopkins's daughter, President Garfield's mother, and, I think, Mr. Archibald Hopkins, President Hopkins's son. President Garfield asked me to remain after President Hopkins had taken his leave. I had a long and interesting conversation with him about his plans and purposes, and especially the difficulties which were then showing themselves in regard to the great New York appointments. Before I went upstairs, he gave his arm to my wife and walked with her about the East room. He said to her: "I hope I may live to repay your husband for all he has done for me." Perhaps I am indulging in an unpardonable vanity in relating this testimony of two of the most interested parties and most competent observers as to the value of the work of the Massachusetts delegation in that convention.

I hope that somewhere before I die I may put on record my estimate of James A. Garfield, when I can say some things which ought to be said, and for which there is not room in this book and was not room in the eulogy delivered just after his death. It is the fashion, even among his friends, to speak of him as a person timid if not time-serving, and as easily swayed and moulded by a strong will. I have heard men who knew him very well say that when he led the House on the Republican side, and had led his party into a position which excited sharp conflict, they never could be sure that he would not get wrong at the last moment, or have some private understanding with the Democrats and leave his own side in the lurch. This was attributed to moral timidity. I feel very sure that this is a great mistake. Garfield's hesitation, want of certainty in his convictions, liability to change his position suddenly, were in my opinion the result of intellectual hesitation and of a habit of going down to the roots of his subject before he made up his mind. He had a great deference for other men's opinions. When, after he had

expressed his opinion, some strong and positive man came to him with a confident utterance of a different opinion, unless Garfield had gone to the bottom of the subject himself, he was very likely to defer, to hesitate, to think himself mistaken. But when he had had time and had thought the thing out and made up his mind, nobody and no consideration of personal interest or advantage would stir him an inch. I suppose his courage and genius as a soldier have never been questioned. He performed some very important military exploits. He gave a thorough investigation into the military conditions of Tennessee and Kentucky, and his letter to the Department of War accomplished a great deal toward putting things in a better way. He was a thorough lover of his country. He hesitated long as to the doctrine of protection, and undoubtedly made some inconsistent utterances before he took the ground which he held at last. But he studied the financial question, especially the great subjects of currency and the standard of value, to the very bottom. He stood like a rock when Ohio and the whole West seemed to be going against him, and when the statesmanship even of John Sherman was of the willow and not of the oak. When his District Convention met and passed resolutions in favor of paying interest on the Government bonds with paper, Garfield declared that he would not take the nomination on such a platform. The good fight he made in Ohio turned the scale in that great struggle. I do not believe he would have been a tool or servant in the Presidency. He would have mastered for himself the great subjects to be dealt with in our foreign policy, as well as in domestic administration and legislation. His will would, in my opinion, if he had been spared to us, have been the dominant will in our Government for eight fortunate and happy years. Next to the assassination of Lincoln, his death was the greatest national misfortune ever caused to this country by the loss of a single life.

I have not the slightest respect for the suggestion that General Garfield in the least violated his honor or good faith in consenting to accept the nomination after he had been elected as a delegate in the interest of Mr. Sherman. The office of the President is not personal. There can be no such thing as a personal claim upon it, or a personal obligation in regard to it. President Garfield got no advantage whatever from the fact that he had favored Mr. Sherman. Mr. Sherman's nomination was an impossibility from the beginning. That the majority of the convention united upon Garfield was due to the fact that he had no enemies or antagonists in the convention or among the people and, to some degree undoubtedly, also to the admiration felt by his fellow-delegates for the tact, sense and good nature which he showed in its discussions— qualities which were in marked contrast with those of his very able and powerful antagonist, Mr. Conkling.

Beside, when the voting for Garfield in the Convention began, a dispatch was received from Mr. Sherman urging his friends to unite in Garfield's support. That was before Garfield had taken any action, except an earnest attempt to decline the nomination which, as I have already stated, was suppressed by a peremptory exercise of the authority of the chair.

I have given more than once my estimate of James A. Garfield, although not as fully as I should like. Shortly after his death I delivered a eulogy before the people of Worcester at the request of the City Government. I was asked by John Sherman, who more than anybody else had the matter in charge, to deliver the eulogy before the two Houses of Congress. But Mr. Sherman had spoken without due authority. The Committee of the two Houses determined to invite Mr. Blaine, then Secretary of State. That arrangement was required by every consideration of propriety, and was in all respects the best possible. Mr. Blaine's address on Garfield is one of the treasures of our literature. It would have been a great public misfortune if that noble oration had been lost to the world.

I knew Garfield very intimately. For six of the eight years I served in the House with him my seat was so near his that we could converse with each other in whispers. By a singular chapter of accidents our families had been closely associated in several generations, although neither of us knew it until long after our friendship began.

The land of Captain John Sherman and the land of Captain John Prescott, both my ancestors on the mother's side, adjoined the land of Edward Garfield, the ancestor of the President, in Watertown. His land lay on both sides of what is now the line between Waltham and Watertown. Captain Benjamin Garfield, who may be properly called the founder of Waltham, was the leader of an earnest and protracted controversy in Watertown in which my great-great-grandfather, Joseph Sherman, was leader on the other side.

Lieutenant Thomas Garfield, another of the President's ancestors in the direct line, built a house in that part of Watertown, afterward Weston, which later still was incorporated with parts of Concord and Lexington as the town of Lincoln. He and his son Thomas were among the first incorporators, of whom my great-grandfather, John Hoar, was also one. Thomas Garfield built a house now standing at the end of a grass-grown lane about forty rods from the high road leading from Lincoln to Waltham and about two miles south from the centre of Lincoln. It is a secluded spot of great beauty. The house, a square, unpainted, two-story house with a great chimney in the middle, stands surrounded by old elms and apple trees, in a tract of fertile meadow, with the Lincoln hill in the distance. This estate passed from

Lieutenant Thomas Garfield to his son Thomas, Jr., from him to his daughter Rebecca, wife of David Fiske, from her to her son Elijah Fiske, and from him to his children. One of these children married my cousin. I attended the wedding in my boyhood in the old Garfield house.

Abram Garfield, son of the second Thomas, the President's great-uncle, from whom his middle name came to him, was a soldier at Concord Bridge on the 19th of April, 1775, in the Lincoln Company of which my grandfather, Samuel Hoar, was Lieutenant and my two great-grandfathers served as privates. The depositions of Abram Garfield and John Hoar as to the facts of the Concord fight were taken with others by the patriots and sent to England for their vindication. This Abram Garfield died in the summer of 1775, a few months after the battle at Concord. His grave, with that of his father and grandfather, the President's direct ancestors, is close to the graves of my own ancestors in the Lincoln burial-ground.

The President's great-grandfather settled in Westminster. His land was close by the land of my wife's great-grandfather, and not far from the spot where her father was born. His house is still standing in Westminster. My grandfather's uncle, Daniel Hoar, was one of the founders of that town and owned land not far off.

So our friendship came by lawful inheritance. I discovered myself many of these facts relating to his ancestry which had been previously unknown to him. I have from him a letter written the day before he was assassinated in which he promises after visiting Williams College and the White Mountains to meet me at Concord and to spend the night with my brother there and visit the dwelling and burial places of his ancestors in Lincoln and then to come to Worcester as my guest.

James A. Garfield was a man of indefatigable industry and vast information. He seemed constantly possessed by an intelligent curiosity in regard to all subjects. He had a tenacious memory. Its stores were always ready at hand for his use on all occasions. There has been no man in public life in my time, except Charles Sumner, who was always so glad to render any service in his power to literature and science. He was a great friend of the Congressional Library, and helped largely to increase its appropriations. I got his powerful aid in procuring the purchase of the Margry papers, at the instance of Parkman, the historian.

During Garfield's service in the House he was the leader of its best thought. Everything he did and said manifested the serious, reverent love of excellence. He was ever grave, earnest, addressing himself only to the reason and conscience of his auditors. You will search his speeches in vain for an appeal to a base motive or an evil passion. He was remarkably independent in forming his judgments and inflexible in adhering to them on all grand and essential questions. His friend and Commander, General Thomas, whose stubborn courage saved the day in the battle for the possession of Tennessee, was well called The Rock of Chickamauga. In the greater battle in 1876 for the Nation's honor Garfield well deserves to be called The Rock of Ohio. There has been hardly any single service to this country in recent times greater than that rendered by him when he stood against the fiat money movement in Ohio.

CHAPTER XXIX FOUR NATIONAL CONVENTIONS 1884

It happened to me again to be put at the head of the Massachusetts delegation in the convention of 1884. The leading candidates were Mr. Blaine and President Arthur. Mr. Arthur had, in many respects, made a very satisfactory President. He was a man of pleasant manners and skilled in the subtle ways of New York politicians. He had been one of the chief representatives of a faction in the Republican Party, and he never seemed able to shake off the influences which had surrounded him before his election. At a dinner shortly after he was chosen Vice-President, he made an apparently approving allusion to what he called the use of soap, which was understood to mean the use of money for corrupt purposes. He made a fatal mistake, as it always seemed to me, in permitting the resignation of President Garfield's Cabinet and filling their places with men who, like himself, belonged to the Grant faction. If he had said that he would not allow the act of an assassin to make a change in the forces that were to control the Administration so far as could be helped and that he would carry into effect the purposes of his predecessor, wherever he could in conscience do so, he would have maintained himself in the public esteem. But that was not his only mistake. Inconsiderately he lent himself to the popular prejudice against the policy of river and harbor improvements, and, in vetoing a bill passed by large majorities in both Houses of Congress, he sent in a message in which he said in substance that the more corrupt the measure the more votes it was likely to get in Congress. When in the next winter he was asked to specify the objectionable items in the bill he had vetoed, which appropriated about \$18,000,000, he was able to point out less than five per cent. of all the appropriations which he could say he thought were for purposes not required by the interests of international or interstate commerce. And his claim was thoroughly refuted even in regard to the items which he specified. He also made some very bad

appointments, which deeply offended the best Republican sentiment in many of the States. It is a little singular that the appointment of the Collector of the Port of Boston should have cost two Presidents of the United States a renomination. Yet so it is. The old feeling in Massachusetts that it was not, on the whole, desirable to nominate Mr. Blaine existed in great strength. The business men liked Arthur. They thought their interests were safe with him. But the honest Republican sentiment of Massachusetts was deeply outraged by the appointment to the office of Collector of Boston, of Mr. Roland Worthington, against the protest of her Senators and Representatives in Congress. He had been known only as an unscrupulous supporter of General Butler, and as the editor of a scurrilous newspaper which bitterly attacked the opponents of that person even where they were honest and trusted Republicans. To give this place to Mr. Worthington the President refused to reappoint Mr. Beard, who had made an admirable Collector, and who was supported by a large majority of the best men of Boston. It was believed that this appointment had been made in exchange for assurances of General Butler's support in the approaching election. Worthington made a poor Collector, and, at the State election after his appointment, voted for Butler against the candidate of the Republican Party. But for the indignation caused by this appointment, I think the delegation from Massachusetts, with three exceptions, would have supported Mr. Arthur for reelection. There would have been no movement for Mr. Edmunds, and but for that movement Mr. Arthur would have received the Republican nomination. Upon the final ballot the vote of Massachusetts was seven for Arthur, three for Blaine and eighteen for Edmunds.

A somewhat interesting incident occurred which shows the depth of a feeling, which I think was largely a prejudice, which is still manifesting itself as a disturbing element in American politics. There was a great desire on the part of those who were opposed to both Arthur and Blaine, to find a candidate upon whom they could unite, of such popularity and national distinction as to make it impossible for the managers for these candidates to hold their forces together. We thought that General Sherman was the person that we wanted. It was known that he had written a letter to Mr. Blaine declining to have his name used, and that a telegram had been received from him by a delegate during the session of the convention to the same effect. But it was thought that if he were once nominated he would find it impossible to decline, and that his previous refusal would be an element of strength and not of weakness in the country. After the adjournment, which was at 11:45 A. M., on Friday, June 6, the day before the balloting, I made an arrangement to meet Mr. George William Curtis, the Chairman of the New York delegation, and one or two other gentlemen of the same way of thinking, from one or two other States, and we agreed that when the convention came in again we would cast the votes of our delegates who agreed with us for General Sherman. I had been authorized by a large majority of the Massachusetts delegation to have this interview, and I knew that I represented their opinions, although they had not, all of them, spoken to me about General Sherman. When I got back to the next meeting of the convention, I made known to them what I had done. I was told by several of them that they would stand by me, but that it would cause great dissatisfaction when they got home.

"What is the matter?" I said. "Our people do not want a Father Confessor in the White House," was the answer. Although General Sherman was a Protestant, it is well known that his wife was a Catholic. Soon after, Mr. Curtis came over to my seat and said: "Mr. Hoar, I cannot carry out our agreement." "What is the matter?" said I. "There is an insurrection in the New York delegation," was his reply. "They do not want a Father Confessor in the White House." So we agreed we should have to give it up. When I came back to Washington, I called at John Sherman's house and talked over the convention with him. I told him the story I have just related. He said he was not surprised, and that he believed the unwillingness to have the religious faith of his wife made matter of public discussion had a good deal to do with his brother's refusal to permit himself to be a candidate.

While the convention of 1884 did not nominate the candidate favored by the Republicans of Massachusetts, the action of the State, in my opinion, was decisive in defeating the nomination of President Arthur. But for that there would have been no movement for Edmunds, and his support would have gone to the President. Mr. Blaine, who was nominated, was defeated at the election. The event proved him a much stronger candidate than I had supposed, and his subsequent career in the Department of State, I believe, satisfied a majority of his countrymen that he would have made an able and discreet President. I suppose it would hardly be denied now by persons acquainted with the details of the management of the Democratic campaign, at any rate I have heard the fact admitted by several very distinguished Democrats, members of the Senate of the United States, that the plurality of the vote of New York was really cast for Mr. Blaine, and that he was unjustly deprived of election by the fraud at Long Island City by which votes cast for the Butler Electoral Ticket were counted for Cleveland. I suppose also that but for the utterances of a foolish clergyman named Burchard, Mr. Blaine's majority in that State would have been so large that these frauds would have been ineffectual.

CHAPTER XXX FOUR NATIONAL CONVENTIONS 1888

In 1888 there was a very strong, almost irresistible feeling among Republicans in the country that

Blaine should be put in nomination again, although he had peremptorily and publicly refused to be a candidate. He was travelling abroad during that year. His mental vigor was unabated, as was shown by his answer to Cleveland's free trade message, which was cabled across the ocean and reached the people almost as soon as the message. But the disease of which he afterward died was then upon him, as was known to some few of his intimate friends. Besides that, he had had an attack at Milan, which deprived him for a good while of the use of his limbs on one side. In 1892 I was in the care, at Milan, of a man who I suppose was the most eminent physician in the north of Italy, Dr. Fornoni, who gave me an account of Mr. Blaine's illness in the very apartments where I was ill, and which Blaine had occupied before me. But when the convention came together they were so eager to nominate Blaine that he was obliged to send another cable, I think, from Paris, insisting that his wishes should be respected. There was a great diversity of opinion as to candidates, but little of the eager antagonism that had characterized the preceding convention. The Republican Party had been sobered a good deal by four years of adversity. The delegates from Massachusetts were:

At Large.—George F. Hoar, Worcester; Henry S. Hyde, West Springfield; Frederick L. Burden, North Attleboro; Alanson W. Beard, Boston.

District.—Frank S. Stevens, Swansea; Jonathan Bourne, New Bedford; William H. Bent, Taunton; Eben L. Ripley, Hingham; Arthur W. Tufts, Boston; Edward P. Wilbur, Boston; Jesse M. Gove, Boston; Charles J. Noyes, Boston; Edward D. Hayden, Woburn; Elmer H. Capen, Somerville; William B. Littlefield, Lynn; Samuel W. McCall, Winchester; William Cogswell, Salem; William E. Blunt, Haverhill; Joseph L. Sargent, Dracut; George S. Merrill, Lawrence; J. Henry Gould, Medford; David Farquhar, Newton; William A. Gile, Worcester; George L. Gibbs, Northbridge; John W. Wheeler, Orange; John G. Mackintosh, Holyoke; Emerson Gaylord, Chicopee; and William M. Prince, Pittsfield.

I was very desirous that the vote of Massachusetts should be given to John Sherman. He was, except Mr. Blaine, unquestionably the most distinguished living Republican statesman. He had been an able champion of the opinions which the Republicans of Massachusetts held, and of the policies under which her special industries had been fostered. To nominate him would be to go back to the early habit of placing the greatest and wisest statesmen of the country in its highest offices. But I could not get the majority of the Massachusetts delegation to come to my way of thinking. General Cogswell, a very able and accomplished member of the House of Representatives, and Mr. Edward D. Hayden, also a member of the House—a service which he left greatly to the regret of his own constituents and the people of the State—seemed to have very strong objections indeed to Mr. Sherman. The delegation very kindly offered before the first ballot, and again just before the fourth or fifth ballot, to present my name as the candidate of Massachusetts. It would have been a very great honor to have received such a vote from Massachusetts. I was told also by gentlemen from other States, who spoke to me about it, that I should have had a considerable vote from other parts of the country. I had quite a number of very intimate friends in the convention from States outside of Massachusetts. I thought then, and think now, though that is a matter of conjecture, that I should have got about seventy votes. But I thought my nomination out of the question. I thought also that it would be utterly inexpedient, if it could be accomplished. And I thought also that the office of a Senator from Massachusetts would be more agreeable to me, and better adapted to my capacity than that of the President of the United States. Still the temptation to get the high compliment and honor of such a vote was very strong indeed. But there were thirteen of our delegation of twenty-eight, who were willing to vote with me for Mr. Sherman. If I had consented to the subtraction of their votes from his column on the first ballot, it would have made a serious diminution of his strength.

If I had consented to the same thing on a later ballot it would have put him in the position of having his forces diminishing and falling away. I thought I ought not, for a mere empty honor to myself, to permit such an injury to be inflicted upon him, although I confess I did not then think his nomination likely. But while the Massachusetts delegation does not seem to me to have exerted a very decisive influence upon the result of that convention, it came very near it. After several ineffectual ballotings, in which the votes of the different States were divided among several candidates, the convention took a recess at twelve o'clock to four o'clock of the same day. Immediately a meeting was called by a number of gentlemen representing different delegations in a room in the building where the convention was held, for consultation, and to see if they could agree upon a candidate. The Massachusetts delegation had authorized me to cast their vote as a unit for any candidate whom I should think best, whom sixteen of the delegates—being one more than a majority—approved. I had ascertained their opinion. While as I said there were but thirteen at most who would support Sherman, considerably more than sixteen were willing to support either Harrison or Allison, and perhaps one or two others, who had

been prominently mentioned, including, I think, Mr. Depew, although of that I am not certain. We met as I said. The New York delegation had authorized its vote to be cast unanimously for any person on whom the four delegates at large, Platt, Miller, Depew and Hiscock, representing different shades of opinion in the Republican Party of that State, should agree. Three of these gentlemen, Platt, Miller and Hiscock, were present at the meeting. Mr. Quay, Chairman of the Pennsylvania delegation, was also authorized to cast the vote of the entire delegation as he should think fit. Mr. Spooner of Wisconsin, Chairman of the Wisconsin delegation, was present with a like authority. Mr. Farwell, Chairman of the Illinois delegation, was present with a like authority from his State. Mr. Clarkson, Chairman of the Iowa delegation, was present with authority to vote for Mr. Allison from the beginning. De Young, of California, thought he could speak for his people, though I believe without claiming authority from them. Filley, of Missouri, was also present. There were several other gentlemen of influence, though not all of them delegates, and not all of them entitled to speak for their States, but feeling able to assure the company that their States would accede to whatever agreement might be made there. The names of several candidates were discussed. I made a very earnest speech in favor of Mr. Allison, setting forth what I thought were the qualities that would make him a popular candidate, and would make him an able and wise President.

Finally, all agreed that their States should vote for Mr. Allison when the convention came in in the afternoon. Depew, as I have said, was absent. But his three colleagues said there could be no doubt that he would agree to their action, and there would be no difficulty about New York. We thought it best as a matter of precaution, to meet again a half-hour before the coming in of the convention, to make sure the thing was to go through all right. I suppose that everybody in that room when he left it felt as certain as of any event in the future that Mr. Allison would be nominated in the convention.

But when we met at the time fixed, the three delegates at large from New York said they were sorry they could not carry out their engagement. Mr. Depew, who had been supported as a candidate by his State in the earlier ballots, had made a speech withdrawing his name. But when the action of the meeting was reported to him, he said he had been compelled to withdraw by the opposition of the Agrarian element, which was hostile to railroads. He was then President of the New York Central and Hudson River Railroad Company. He said that his opposition to him came largely from Iowa, and from the Northwest, where was found the chief support of Allison; that while he had withdrawn his own name, he would not so far submit to such an unreasonable and socialistic sentiment as to give his consent that it should dictate a candidate for the Republican Party. The three other delegates at large were therefore compelled to refuse their support to the arrangement which had been conditionally agreed upon, and the thing fell through. If it had gone on, New York, Illinois, Wisconsin, Pennsylvania, Massachusetts, Iowa, California, and perhaps Missouri, would have cast their votes unanimously for Allison, and his nomination would have been sure. I think no other person ever came so near the Presidency of the United States, and missed it.

The result was the nomination of Mr. Harrison. It was a nomination quite agreeable to me. I had sat near him in the Senate for six years, my seat only separated from his by that of John Sherman, who, for a large part of the time, had been President pro tempore. So Sherman's seat was not then occupied and Harrison and I were next neighbors. I had become very intimate with him, and had learned to respect him highly as a very able, upright and wise man, although he developed, as President, an ability which I think his most intimate friends had not known before. Our relations then, and afterward, were exceedingly cordial. He was a wise, pure, upright and able President, and an eloquent orator, capable of uttering great truths in a great way, and able to bring them home to the understanding and conviction of his countrymen. He lacked what gave Mr. Blaine so great a charm, the quality of an agreeable and gracious manner. He had little tact in dealing with individuals. If a man travelled three thousand miles across the continent to say something to President Harrison, he would find himself broken in upon two minutes after the conversation began with a lecture in which the views in opposition to his were vigorously, and, sometimes roughly, set forth. He did this even when he was of the same way of thinking and meant to grant the gentleman's request. Blaine would refuse a request in a way that would seem like doing a favor. Harrison would grant a request in a way which seemed as if he were denying it. An eminent Western Senator said to me once what, of course, was a great exaggeration, that if Harrison were to address an audience of ten thousand men, he would capture them all. But if each one of them were presented to him in private, he would make him his enemy.

However, in spite of all this the country was safe with him. While his hand was on the helm she would keep the course of safety, of honor, of glory, of prosperity, of republican liberty. There would be no fear for the future of the country if we were sure to have in the great office of President a succession of Benjamin Harrisons.

This fault of his is a fault apt to beset good and honest men, especially when they are under the burden of great anxieties and cares. Such men at such times are intent upon the object to be accomplished. They are not thinking of personal considerations, of making friends or allies, or of the

impression they are making for themselves upon mankind. But they need to learn a lesson. It is a lesson which many of them learn very late in life, that many a good cause has been jeopardized or lost by this infirmity of men who are leaders on the righteous side. There is written on the walls of one of the great English schools a legend which I suppose has been there for seven hundred years: "Manners Makyth Man." It is a curious fact, however, that this legend illustrates a portrait of a pig.

But while public men ought to be made to see how great a thing this is, the people ought to learn how little a thing it is— how insignificant are these foibles, irritable temper, habits of personal discourtesy, impatience, even vanity and self- confidence, compared with the great things that concern the character, the welfare, and the glory of the State. I beg to assure my readers that I make these observations partly as a critic and partly as a penitent.

I wrote to Benjamin Harrison after the Presidential campaign of 1896, urging him to consent to come to the Senate from Indiana, citing the example of Presidents Adams and Johnson, both of whom came back to public life after they had been President, although Mr. Johnson did not live to render any service in the Senate.

In my letter I expressed my sense of the great value of what he had done in the campaign. In reply I got the following letter. Nobody who reads it will doubt that the man who wrote it had a kind and affectionate heart.

November 10, 1896 674 NORTH DELAWARE STREET, INDIANAPOLIS, IND.

My dear Senator:

It is very kind of you to take note of my work in the campaign, and I value very highly what you say of it—though your friendship has perhaps, in some degree, spoiled your judgment. I am thoroughly tired of the cares and excitements incident to public life in our country. To you I may say that the people of this state seem to be more strongly attached to me than ever. I never appear before an audience that I am not deeply moved by the demonstrations of the affectionate interest of my home people.

Possibly they would send me to the Senate this winter if I should intimate a willingness to take the place, but I do not feel that I can, and have said so.

If I could believe that any exigency in public affairs called for me, then my personal wishes would be subservient—but it is not so. My own belief is that as a free citizen I can do more towards giving a right direction to public affairs than I could as a Senator.

.....

My wife joins me in the desire to be kindly remembered to
Mrs. Hoar.

Most sincerely your friend,
BENJAMIN HARRISON.
Hon. George F. Hoar,
Worcester, Mass.

I had a great many interesting experiences of Harrison's roughness of manner and honesty and kindness of heart, which it would not be right to relate here. But I may mention two or three.

When the term of General Corse, the Democratic Postmaster at Boston, expired, Mr. Dawes and I earnestly recommended that he should be reappointed. He was, with one or two exceptions, the most eminent living veteran of the Civil War. He was the hero of one of its noted exploits. "Hold the Fort" had made him famous in song and story. The business men of Boston, without distinction of party, were satisfied with him, and recommended that he be continued in the service. There was an association of the principal trades, nineteen in number, in which each trade had three representatives, making fifty-seven in all. Of these fifty-four were Republicans, and three were Democrats. Fifty-four, though not the same fifty-four, recommended the continuance of General Corse in the service. He was recommended by the Republican members from Boston in the Massachusetts Senate, and by most of those in the House, and by several of the Republican members of Congress, whose districts contained a part of the territory served by the office.

President Harrison almost angrily refused to reappoint Corse. He said that while Marshals were being murdered in Florida, and the execution of the law resisted, he would appoint no man to public office who either sympathized with such things, or belonged to a party that did not oppose and resist them. I said to him: "Mr. President, how do you reconcile this with your declaration that no man would be removed from public office for political reasons?" The President was quite angry, and showed his

anger in his reply. I said: "Good morning, Mr. President," and took my leave, also quite angry. But in a moment or two I went back, and said: "Mr. President, if you think there is a man in the country who has a higher regard for you, or a more sincere desire for your success than I have, I will never come here again." Mr. Harrison said, very pleasantly, "I know that very well, Mr. Hoar." And the difference ended as quickly as it began.

President Harrison sent for me in a few days, and said he had made up his mind not to appoint Corse, but would appoint any Republican I would nominate. I gave a list of six names, of which that of Mayor Thomas H. Hart stood at the head. Next to him was that of Col. Horace Rockwell. Next to him was Wm. A. Russell. I selected Mr. Russell on account of his eminent business capacity, and also because I knew that both the President and Postmaster-General had great regard for him. I told him at the same time that I did not believe Mr. Russell would accept the office. Next to him was Samuel W. McCall, and the fifth name was that of John W. Candler. Next came Congressman Frank W. Rockwell. A messenger was sent to Boston that afternoon. He got there before daylight the next morning, and found Mr. Russell was absent on a long journey to the South. It was not thought the chances of his acceptance made it worth while to keep the office open. So it was offered to Mr. Hart, who accepted it.

Pretty soon afterward there came a vacancy in the United States Circuit Court for the First Judicial Circuit by the resignation of Judge Lowell. I desired to have Judge Putnam, of Maine, succeed him. He, too, was a Democrat. I did not know exactly what to do about it, after my experience in the post-office matter. So I saw Judge Gray of the Supreme Court, who had a high regard for Putnam, and asked him if he would be willing to recommend him to the President. Judge Gray said he would do it if the President applied to him for advice. But he was not willing to offer such advice unasked. He agreed, however, that I might say that Judge Lowell was about to resign, and that when the matter came up, if the President desired to know Judge Gray's opinion, he would be very happy to give it. The resignation took effect in the vacation of Congress. The President invited Judge Gray to come to see him, and determined to accept his advice. When I got to Washington in December, President Harrison sent for me and said: "Mr. Hoar, I have pretty much made up my mind to appoint Judge Putnam to the Circuit Court, if you approve." I said: "Mr. President, I heartily approve. But I shall look with some curiosity to see how you answer the excellent argument you made against the appointment of a Democrat to office when General Corse's term expired," to which Harrison burst out into hearty laughter; and both incidents closed.

When the bill for rebuilding the William and Mary College building, which had been destroyed during the war, was passed, President Tyler and several other gentlemen interested in the College, were very anxious lest the President should refuse to sign it. They came to Washington to ask me to go with them to see him. This I did. I told him the history of the College, giving a list of the famous men who were graduated from there. I spoke of the great affection that had inspired the people of Virginia for centuries, and reminded him that his own ancestor, General Washington's friend, General Benjamin Harrison of the Revolution, had been a child of the College, and I pointed out what a measure of reconciliation it would be. The President listened with a rather disgusted look, until I got through, and just as I rose to take my leave, said: "Mr. Hoar, have you got any reasons except sentimental ones?" I said I had no others, except those I had stated. The gentlemen went out very down-hearted, and said when they got out that of course he would veto the bill. I said: "I think I know the man pretty well, and I think there is more than an even chance that he will sign it," and he did.

Just before his term of office ended, he was in the President's Room, at the Capitol, to dispose of bills when there was not time to take them to the White House before the hour of twelve o'clock, on the 4th of March. Many measures had been passed within an hour of the time of adjournment, among them a bill for the relief of the widow of Jefferson Davis. She had written a Memoir of her husband, on the sale of which it was understood she depended for her livelihood in her advancing years. But the publishers had neglected a technicality which, if the decision of one Circuit Judge were good law, made the copyright void. So she was at the mercy of her publishers, and it was feared that they meant to take advantage of the defect. She applied through General Gordon, then a member of the Senate, to Congress for relief. A bill passed the two Houses, which I had drawn, providing that where the copies required by law to be deposited in the Library of Congress, had not been so deposited within the time required by law, the author of the book might deposit them at a later time, and the copyright should not be rendered void. This was made a general law. Just before twelve o'clock, when the Senators were in their seats ready for the inauguration of President Harrison's successor, which was to take place in about ten minutes, General Gordon came to me in great distress, saying: "The Attorney-General says the President means to refuse to sign that bill and that he can do nothing with him. Can you help us?" I had devised the plan, and had got it through the Senate. I went into the President's Room with General Gordon and said to the President that I wanted to speak to him about that bill, and began my story when he broke in upon me, very uncivilly, and said: "We cannot pass laws to take care of hard individual cases." I said: "No, Mr. President, we cannot pass laws to take care of individual cases, but

where a general law is just and proper, it is no objection to it that it also affords relief in a case of individual injustice." The President made some remark to the effect that the people of the North would not like that we should go out of our way to help the widow of Jefferson Davis. I had not told my story, nor stated my reasons. I said quite angrily: "Well, Mr. President, if you will not hear me, I will stop now." I made my bow and withdrew from the circle. The President called after me: "Mr. Hoar, I will hear you." Whereupon I told my story. But there was no sign of relenting upon his grim countenance. I went back to my seat with General Gordon, who had accompanied me. He tore off a piece of an order of exercises for the Inauguration, and handed it to a page, telling him to give it to a friend of Mrs. Davis, who was outside. He had written on it: "He won't sign the bill." Just after the page had departed, the Attorney-General came up and told us that the President had signed the bill. General Gordon called back the page. I asked him to give me the torn fragment of the order of exercises, on which he had written the message, which I have kept as a memorial of the transaction, and of him. Perhaps I may be pardoned for adding that General Gordon came to me just afterward with great emotion, and said, "Hoar, save my allegiance to the Democratic Party, I want you to know that you own me."

These stories may seem trifling. But such trifles sometimes give an idea of the character of men like Harrison more than their greater actions.

Benjamin Harrison many times thought rashly and spoke hastily. But he acted always, so far as I knew, under the impulse of a warm, kind and brave heart, and of a great and wise intellect.

Some of my Southern brethren have spoken of me with undeserved kindness in recent years, and they like to say that my heart has softened within the last few years, and that I have become more tolerant and less harsh and bigoted than I was of old. Some Northern papers have taken the same view. What I did to secure the rebuilding of the William and Mary building, and to establish the policy of restoring at National cost all the property of institutions of education, charity and religion destroyed at the South, both of which were in the beginning opposed by the almost unanimous sentiment of my party associates, was done in the first and second terms of my service in the House of Representatives, now thirty-five years ago. A Boston newspaper published a series of articles denouncing me as a bitter partisan and a bigoted and intolerant hater of the people of the South, some years ago. That very week I received a letter from Mrs. Jefferson Davis thanking me for what I had done to save her from privation in her old age; a telegram from the authorities of William and Mary College, thanking me for my service in accomplishing the rebuilding of the College; and a personal call from Judge Howell E. Jackson, of Tennessee, a Southern Democrat and Confederate, thanking me for what I had done toward procuring his appointment as Associate Justice of the Supreme Court of the United States. These things all happened in the same year, I believe, certainly in a very short time after I had done what I could to induce the reappointment of General Corse and the selection of Judge Putnam.

I freely admit that I have believed with all my heart and soul in the principles of the Republican Party. But I think there can be found few members of that party who have been less controlled in their public actions by violent partisanship than I have.

CHAPTER XXXI SATURDAY CLUB

In 1877, about the time of my election to the Senate, I was chosen a member of the famous Saturday Club. I always attended the meetings when I could be in Boston until after the death of my brother, when every man who was a member when I was chosen was dead, except Mr. Norton and Judge Gray and the younger Agassiz and Mr. Howells, and all of them had ceased to be constant attendants.

They used to meet at the Parker House in Boston once a month. Each member was at liberty to bring a guest.

I suppose there was never a merely social club with so many famous men in it or another where the conversation was more delightful since that to which Johnson and Burke and Goldsmith and Garrick and Reynolds belonged. There was plenty of sparkling wit and repartee and plenty of serious talk from philosophers and men of letters and science. Agassiz and Jeffries Wyman would sometimes debate Darwin's theory of evolution, which Darwin had confided to Asa Gray, another member, long before he made it known to the public. Holmes and Lowell contributed their wit, and Judge Hoar, whom Lowell declared the most brilliant man in conversation he had ever known, his shrewd Yankee sense and his marvellous store of anecdote. Some of the greatest members, notably Emerson and Longfellow and Whittier, were in general quite silent. But it was worth going a thousand miles if but to see one of them, or to hear the tones of his voice.

In the beginning I suspected Dr. Holmes of getting himself ready for the talk at the dinner as for a lecture. But I soon found that was utterly unjust. He was always as good if a new subject were brought up, which he could not have expected and which was wholly out of the range of his experience. His

stream was abundant and sparkling and clear, whenever you might tap the cask. "Take another glass of wine, Judge," he said to one of the members who was starting near midnight to drive twenty miles in the cold rain of autumn, "Take another glass of wine; it will shorten the distance and double the prospect."

Dr. Holmes and I were born on the same day of the year, although I was seventeen years behind him. I sent to the delightful Autocrat the following note which reached him on the morning of his eightieth birthday.

WORCESTER, Aug. 28th, 89.

My dear Dr. Holmes: Let me add my salutation to those of so many of your countrymen, and so many who are not your countrymen, save in the republic of letters, on your birthday. You may well be amused to think how many political reputations have risen and set during your long and sunny reign. I was led to think of this by the fact that my own birthday also comes Aug. 29th. But alas!

Consules sunt quotannis et novi proconsules,
Solus aut Rex aut Poeta non quotannis nascitur.

Of Governors and Senators we have an annual crop. But Autocrats and Poets come but once in eighty years. The asteroids must not envy the Georgium Sides his orbit of fourscore years, but rather rejoice in his beneficent and cheerful light, and in the certainty that it will keep on shining so long as there is a star in the sky.

I am
Faithfully yours
GEO. F. HOAR.

I got the following pleasant reply:

BEVERLY FARMS, MASS., August 30, 1889.

My dear Mr. Hoar,

Your note of felicitation upon my having reached that "length of days" which Wisdom, if I remember correctly, holds in her right hand, was the first I received and is the first I answer. Briefly, of course, but with heartfelt sincerity, for I hardly thought that you whose hand is on the wheel that governs the course of the Nation, would find time to remember so small an event as my birthday.

You cannot doubt that it was a great pleasure to me to read your name at the bottom of a page containing so much that it was kind in you to write and most agreeable for me to read.

Please accept my warmest and most grateful acknowledgments, and believe me

Faithfully yours,
OLIVER WENDELL HOLMES.

NAMES OF THE MEMBERS OF THE SATURDAY CLUB WHEN I
USED TO ATTEND ITS MEETINGS.

Ralph Waldo Emerson, Francis Parkman,
Edwin P. Whipple, Alexander Agassiz,
Horatio Woodman, R. H. Dana,
John S. Dwight, Wolcott Gibbs,
Samuel G. Ward, Horace Gray,
R. H. Dana, Jr., Edward N. Perkins,
Louis Agassiz, Asa Gray,
Benjamin Pierce, W. D. Howells,
J. R. Lowell, Edmund Quincy,
H. W. Longfellow, E. L. Godkin,
J. L. Motley, William B. Rogers,
C. C. Felton, William Amory,
O. W. Holmes, James Freeman Clarke,
E. R. Hoar, Phillips Brooks,
William H. Prescott, William W. Story,
John G. Whittier, George F. Hoar,
Nathaniel Hawthorne, John Lowell,
T. G. Appleton, O. W. Holmes, Jr.,

J. M. Forbes, Theodore Lyman,
Charles E. Norton, William James,
J. Elliot Cabot, Francis A. Walker,
Samuel G. Howe, Charles F. Adams, Jr.,
Frederick H. Hedge, F. L. Olmsted,
Estes Howe, R. Pumpelly,
Charles Sumner, H. H. Richardson,
Henry James, William Endicott, Jr.,
Martin Brimmer, William C. Endicott,
James T. Fields, William W. Goodwin,
S. W. Rowse, John C. Gray,
John A. Andrew, Edward C. Pickering,
Jeffries Wyman, Thomas B. Aldrich,
E. W. Gurney, Edward W. Emerson,
W. M. Hunt, Walbridge A. Field,
Charles F. Adams, Sen., Henry L. Higginson,
Charles W. Eliot, Edward W. Hooper,
Charles C. Perkins, Henry P. Walcott.

CHAPTER XXXII THE WORCESTER FIRE SOCIETY

I have been for fifty years a member of another club called the Worcester Fire Society, some of whose members have had a remarkable relation to important events in the history of the country, of which the story will be worth recording. The club was founded in 1793, before the days of fire-engines, so that if the house of any of the members caught fire, his associates might come to the rescue with buckets and bags and bed-keys and other apparatus to put out the fire and save the property. But it long since became a mere social club. It is limited to thirty members.

The elder Levi Lincoln, Mr. Jefferson's intimate friend, confidential correspondent and Attorney-General in his Cabinet, organizer of the political movement which built up Mr. Jefferson's power in New England in the beginning of the last century, was not, I believe, a member of the Society himself. But his sons were, and many of his descendants and connections by marriage, certainly twelve or fifteen in all. When the office of Justice of the Supreme Court of the United States became vacant, by reason of the death of Mr. Justice William Cushing of Massachusetts, September 13, 1809, Levi Lincoln the elder was appointed, confirmed by the Senate and commissioned to fill the vacancy. Mr. Jefferson earnestly desired and urged his appointment. President Madison accompanied the offer of the office with a letter urging Mr. Lincoln to accept it in spite of a malady of the eyes from which he was suffering. Mr. Madison says he had got along very well as Attorney-General and he thinks he would find less inconvenience in discharging the duties of Judge. But Mr. Lincoln declined the office. He lived until 1820, retaining his health and vigor, except for the trouble with his eyes.

He was a very able man. He argued the case in which it was decided by the Supreme Court of Massachusetts that slavery was abolished in that State by the Constitution, in 1780.

Judge Story was appointed in his place. If Mr. Lincoln had accepted, it is likely that the great judicial fame of Judge Story would be lacking from American jurisprudence. Story would have devoted himself, probably, to professional or political life. At any rate he would not have been appointed to the Bench before 1820.

There can be no doubt that if Lincoln had accepted the seat upon the Bench, he would have been a thorn in the flesh of Marshall. He doubtless shared Mr. Jefferson's dislike for the great Chief Justice. The case of *Dartmouth College v. Woodward* was decided in 1819. There was in fact but one dissent, but any person who reads Shirley's book on the history of that case will be inclined to believe that without Judge Story *Dartmouth College v. Woodward* would not have been decided as it was.

More interesting and important is the relation, to Mr. Webster's seat in the Senate, of the second Levi Lincoln, son of him of whom I have just spoken, himself a member of the Worcester Club that has been referred to. He was Governor of Massachusetts, Judge of the Supreme Court of Massachusetts, and a Member of the National House of Representatives. He was elected Senator of the United States by one branch of the Massachusetts Legislature when the term of Elijah H. Mills expired, March 3, 1827. There can be no doubt that if he had consented he would also have been elected by the other house. Mr. Webster was chosen at the next Session. But before he was elected he wrote very strongly urging Mr. Lincoln to accept the office. He said in his letter dated May 22, 1827:

"I beg to say that I see no way in which the public good can be so well promoted as by your consenting to go to the Senate. This is my own clear and decided opinion; it is the opinion, equally clear

and decided, of intelligent and patriotic friends here, and I am able to add that it is also the decided opinion of all those friends elsewhere, whose judgment in such matters we should naturally regard. I believe I may say, without violating confidence, that it is the wish, entertained with some earnestness, of our friends at Washington, that you should consent to be Mr. Mills's successor. I need hardly add after what I have said that this is my own wish."

Mr. Lincoln felt constrained to decline, although the office would doubtless have been very agreeable to him, by reason of some statements he had made when elected Governor that he should not be a candidate for the Senate. Mr. Lincoln might, without dishonor or even indelicacy, have accepted the office in spite of those utterances. It was quite clear that all the persons who might be supposed to have acted upon them, desired his election when the time came on. But he was a man of scrupulous honor and did not mean to leave any room for the imputation that he did not regard what is due to "consistency of character," to use his own phrase. Now if Mr. Lincoln would have accepted the office it is likely that he would have held it until his death in 1868. At any rate it is quite certain that he would have held it until the political revolution of 1851.

It is quite clear to me that the office of Senator was at Mr. Lincoln's command. Observe that this was in 1827, and was the election for the term of six years, ending March 3, 1833. That includes the period of Jackson's great contest with Nullification, when Mr. Webster, with all his power, came to Jackson's support. It includes the time of the Reply to Hayne, and the great debate with Calhoun.

Daniel Webster, I need not say, would have been a great figure anywhere. But if Mr. Lincoln had acted otherwise, there would have been absent from our history and literature Webster's Reply to Hayne, the support of Jackson in the day of Nullification, the debate with Calhoun including the speech, "The Constitution not a Compact between Sovereign States," and the powerful attack on Jackson's assertion of power in the removal of the deposits. The speech on the President's Protest, with the wonderful passage describing the power of England, would not have been made.

If the sentiment of Patriotism, and love of Liberty and Union are to be dominant in this Republic, we cannot measure the value of the influence of Daniel Webster and the speech in reply to Hayne. I am not sure that, without Mr. Webster's powerful championship of the side which prevailed, Mr. Calhoun's theory would not have become established. At any rate, it was the fortune of Daniel Webster that the doctrine of National Unity, whenever it has prevailed in the hearts of his countrymen, has been supported by his argument and clothed in his language.

Another incident of the same kind, not of like importance to those of which I have told, but still of a good deal of interest and importance, happened more lately. I had a good deal to do with it myself.

When President Hayes entered upon office, there were but three members of the Senate of either party who were supporters of his Administration. I was one of them. The other two were my colleague, Mr. Dawes, and Stanley Matthews of Ohio. President Hayes was, in my opinion, a very wise and able and upright man. It was an admirable Administration. He had a strong and excellent Cabinet. But his nomination had disappointed the ambitions of some very influential men in his own party, and the powerful factions of which they were the leaders and candidates. The opposing party had not only felt the usual disappointment in defeat, but denied the lawfulness of his election. So I was more familiar than would ordinarily have been likely to have been the case with all the councils of his Administration. The Secretary of State was my near kinsman, and the Attorney-General had been my law partner.

When the vacancy occurred in the English mission by the resignation of Mr. John Welsh, I very strongly urged the appointment of Mr. Lowell. Mr. Evarts was quite unwilling to select Mr. Lowell, and in deference to his wishes, President Hayes offered the place to several other persons, including myself. The offer was communicated to me by Mr. Evarts who was, at that time, Secretary of State. But there were many good reasons why I could not accept it. The offer was made to Governor Alexander H. Bullock, a member of the little society of which I have spoken. I was myself authorized by the President to communicate his desire to Governor Bullock. His answer, declining of account of the condition of his family, will be found in the life prefixed to the published volume of his speeches.

Now, if Governor Bullock had accepted the appointment, which was undoubtedly very attractive to him, what Mr. Lowell did in England would not have been done. He will doubtless go down in literature as a great poet. But it seems to me he is entitled to an equal rank among the prose writers of the country, and indeed among the prose writers of the English language of our time. His admirable address on Democracy, the delightful address as President of the Wordsworth Society, several estimates of the British poets, delivered by him on various occasions in England when he was Minister there, are among the very best examples of his work in prose.

APPENDIX I

It was upon Mr. Sherman's motion that the words, "Common Defence and General Welfare," which have played so important a part in the construction of the Constitution, were introduced into that instrument. He proposed to add to the taxing clause the words, "for the payment of said debts and for the defraying of expenses that shall be incurred for the defence and general welfare."

This proposition, according to Mr. Madison, was disagreed to as being unnecessary. It then obtained only the single vote of Connecticut. But three days afterward Mr. Sherman moved and obtained the appointment of a Committee, of which he was a member, to which this and several subjects were committed. That Committee reported the clause in the shape in which it now stands, and it was adopted unanimously.

Its adoption is an instance of Mr. Sherman's great tenacity, and his power to bring the body, of which he was a member, to his own way of thinking in the end, however unwilling in the beginning. This phrase had played not only an important but a decisive part in the great debate between a strict construction of the Constitution and the construction which has prevailed and made it the law of the being of a great National life.

This story is well told in Farrar's "Manual of the Constitution," pages 110, 309, 324.

APPENDIX II

Roger Minott Sherman, son of Roger Sherman's brother Josiah, was born in Woburn, Mass., May 22, 1773. Mr. Sherman was much attached to him and defrayed the cost of his education. He was an inmate of his uncle's family while a student at Yale College. He was graduated in the year 1792. He was one of the ablest lawyers and advocates New England ever produced, probably having no equal at the Bar of New England except Jeremiah Mason and Daniel Webster. I attended a dinner of the Alumni of Yale College some years ago. President Woolsey sat on one side of me, and Dr. Leonard Bacon on the other; and right opposite at the table was Rev. Dr. Atwater, then I believe of Princeton, but formerly Mr. Sherman's pastor in Fairfield. President Woolsey said that Roger Minott Sherman came nearer his conception of Cicero than any other person he ever heard speak. They used frequently to invite him to deliver public addresses at the College. But he never would accept the invitation. After refusal, the invitation would be renewed again after a few years with like result.

To the above estimate of Mr. Sherman, Dr. Bacon and Mr. Atwater agreed.

When I was in the Law School at Harvard, Professor Simon Greenleaf told the class in one of his lectures that he was once travelling through Connecticut in a carriage on a summer journey, and came to a town, I think Fairfield, which was the county seat. He stopped to get his dinner and rest his horses. While the horses were being fed he went into the court-house, intending to stay only a few minutes, and found Roger Minott Sherman arguing a case before the Supreme Court with Judge Gould on the other side. He was much impressed by Mr. Sherman's clear and powerful argument. Mr. Sherman and Judge Gould were engaged on opposite sides in nearly all the cases. Professor Greenleaf was so much interested by what he heard that he remained and attended court during the entire week. I do not remember his exact language, but he, in substance, gave an estimate of Mr. Sherman as a profound lawyer and able advocate, not less exalted than President Woolsey had given of him as an orator.

Some slight account of Roger Minott Sherman will be found in Goodrich's "Recollections."

Mr. Evarts once told me that there was an important controversy, involving the title to a valuable cargo, in which a lawyer in Hartford was on one side, and a member of the Bar of the city of New York on the other. The New York lawyer went to Hartford to negotiate about the case. The Hartford lawyer had obtained the opinion of Roger Minott Sherman for his client and held it in his hand during the conversation, labelled on the outside, "Opinion of Roger Minott Sherman," and moved it about under the eye of his opponent. The opinion was in fact that the Hartford man's client had no case. But the New York lawyer supposed that if the man had got Roger Minott Sherman's opinion, and seemed to set so much store upon the document, it was favorable to the party who had consulted him. He was much alarmed and settled the case on favorable terms to his antagonist.

Mr. Sherman was famous for his quickness of wit. A story went the rounds of the papers in my youth, which may or may not have any truth in it, but which I will record. It is said that he was once arguing a case against Nathan Smith, a very able but rather coarse lawyer. Mr. Smith had discussed the question of law with the subtilty for which he was distinguished. Mr. Sherman said to the court that he thought his brother Smith's metaphysics were out of place in that discussion; that he was not adverse to such refinement at a proper time, and would willingly, on a fit occasion, chop logic and split hairs with him. Smith pulled a hair out of his own head, and holding it up, said,—*"Split that."* Sherman replied, quick as lightning, *"May it please your Honor, I didn't say bristles."*

The following is the passage referred to from S. G. Goodrich's
"Recollections of a Lifetime":

"Roger Minott Sherman was distinguished for acute logical powers and great elegance of diction,— words and sentences seemed to flow from his lips as if he were reading from the *Spectator*. He was a man of refined personal appearance and manners; tall, stooping a little in his walk; deliberate in his movements and speech, indicating circumspection, which was one of his characteristics. His countenance was pale and thoughtful, his eye remarkable for a keen penetrating expression. Though a man of grave general aspect, he was not destitute of humor. He was once travelling in western Virginia, and stopping at a small tavern, was beset with questions by the landlord, as to where he came from, whither he was going, etc. At last said Mr. Sherman, 'Sit down, sir, and I will tell you all about it.' The landlord sat down. 'Sir,' said he, 'I am from the Blue Light State of Connecticut.' The landlord stared. 'I am a deacon in a Calvinistic church.' The landlord was evidently shocked. 'I was a member of the Hartford Convention.' This was too much for the democratic nerves of the landlord; he speedily departed, and left his lodger to himself."

[Frontispiece: v2.jpg]

[Title page]

AUTOBIOGRAPHY
OF SEVENTY YEARS

BY GEORGE F. HOAR

WITH PORTRAITS

VOLUME II.

NEW YORK CHARLES SCRIBNER'S SONS 1903

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AUTOBIOGRAPHY OF SEVENTY YEARS

[Text]

AUTOBIOGRAPHY OF SEVENTY YEARS

CHAPTER I ELECTION TO THE SENATE

I have every reason to believe that my constituents in the Worcester district would have gladly continued me in the public service for ten years longer, if I had been so minded. I presided over the District Convention that nominated my successor. Before the convention was called to order the delegates crowded around me and urged me to reconsider my refusal to stand for another term, and declared they would gladly nominate me again. But I persisted in my refusal. I supposed then that my political career was ended. My home and my profession and my library had an infinite attraction for me. I had become thoroughly sick of Washington and politics and public life.

But the Republican Party in Massachusetts was having a death struggle with General Butler. That very able, adroit and ambitious man was attempting to organize the political forces of the State into a Butler party, and to make them the instrument of his ambitions. He had in some mysterious way got the ear of General Grant and the control of the political patronage of the State, so far as the United States offices were concerned. I had denounced him and his methods with all my might in a letter I had written to the people of Massachusetts, from which I have already made extracts. I had incurred his bitter personal enmity, and was regarded with perhaps one exception, that of my older brother Judge

Hoar, as his most unrelenting opponent.

The people of Massachusetts were never an office-seeking people. There is no State in the Union whose representatives at the seat of Government have less trouble in that way, or that gives less trouble to the Executive Departments or to the President. I have had that assurance from nearly every President since I have been in public life. And the people of Massachusetts have never concerned themselves very much as to who should hold the Executive offices, small or large, so that they were honestly and faithfully served, and that the man appointed was of good character and standing. The reform which took the civil service out of politics always found great favor in Massachusetts. But since General Butler, in some way never fully explained to the public, got the ear of the appointing power he seemed to be filling all the Departments at Washington with his adherents, especially the important places in the Treasury. The public indignation was deeply aroused. Men dreaded to read the morning papers lest they should see the announcement of the removal from the public service of some honest citizen, or brave soldier, who was filling the place of postmaster or marshal, or Custom House official, or clerk in a Department at Washington, and the putting in his place some unscrupulous follower of the fortunes of General Butler. The climax was reached when Butler's chief lieutenant, Simmons, was appointed Collector of the Port of Boston. Judge Russell, the old Collector, was an able and very popular man. He had given Butler a sort of half-hearted support. But he was incapable of lending himself to any base or unworthy purpose. He was compelled to vacate the office, much to his disgust. He accepted that of Minister to Venezuela, an unimportant foreign mission, and William A. Simmons was appointed in his place. The process of weeding out the Custom House then went on with great rapidity. Colonel Moulton, one of the bravest soldiers of the Civil War, who had been under rebel fire in a Charleston dungeon, and Colonel A. A. Sherman, a man with a marvellous military record, were removed to make way for men for whom, to say the least, the public had no respect. The order for their removal was recalled in consequence of a direct appeal to President Grant. Mr. Hartwell, the Treasurer, an excellent officer, who had graduated the first scholar at Harvard, was removed. Mrs. Chenoweth, a very accomplished lady, widow of one of the bravest officers of the Civil War, a member of Grant's staff, who was filling a clerical position at the Custom House, was notified of her removal. That also was arrested by a direct appeal to Grant. General Andrews, one of our best officers, afterwards professor at West Point, was dropped from the office of Marshal, and one of the adherents of Butler put in his place.

The indignation of the better class of Republicans was aroused. Before the appointment of Simmons, Mr. Boutwell had been elected Senator, and Mr. Richardson had succeeded him as Secretary of the Treasury. Mr. Boutwell was a favorite with the President. Mr. Sumner, then the senior Senator, was on the most unfriendly relations with the President, and had opposed his reelection to the best of his ability. It was not considered likely, under the custom then universally prevailing and indeed prevailing ever since, that President Grant would ever have made such an appointment without the entire approval of the Senator from the State interested, with whom he was on most friendly terms and who had served in his Cabinet as Secretary of the Treasury. Governor Boutwell was consulted about it, and gave it his approval, although it is understood that afterward, in obedience to the indignant feeling of the people, which was deeply excited, he voted against the confirmation of Simmons in the Senate. At the same time he informed his associates that he did not wish to have them understand that he requested them to vote against Simmons because of his opposition, or because of any so-called courtesy of the Senate. Simmons was the manager of Mr. Boutwell's campaign for reelection, and General Butler was his earnest supporter, giving him notice and urging him to repair at once to Boston when the movement against him became formidable.

I am quite sure that but for the determination of the people of Massachusetts not to endure Butler and Butlerism any longer, and probably but for the appointment of Simmons, I should never have been elected Senator. It is likely there would have been no change in the office until this moment.

When I left home for Washington at the beginning of the December session of Congress in 1876, the late Adin Thayer told me that some of the Republicans had got sick of Butler's rule, and they were determined to have a candidate for Senator who could be trusted to make zealous opposition to him and his methods, and that they proposed to use my name. I told him I did not believe they would be able to get twenty-five votes, that Mr. Boutwell, then Senator, was an able man, and that I did not think the fact even that he was understood to be a strong friend and ally of General Butler would induce the people to displace him. Mr. Thayer replied that at any rate there should be a protest.

I had no communication from any other human being upon the subject of my candidacy for the Senate, and made none to any human being, with one exception, until my election by the Legislature was announced. My oldest sister was fatally sick, and I received a letter every day giving an account of her condition. In a postscript to one letter from my brother, he made some slight allusion to the election for Senator then pending in the Massachusetts Legislature. But with that exception I never heard about it and had nothing to do with it.

I can truly say that I was as indifferent to the result, so far as it affected me personally, as to the question whether I should walk on one side of the street or the other. I did not undervalue the great honor of representing Massachusetts in the Senate of the United States. But I had an infinite longing for my home and my profession and my library. I never found public employment pleasant or congenial. But the fates sent me to the Senate and have kept me there until I am now the man longest in continuous legislative service in this country, and have served in the United States Senate longer than any other man who ever represented Massachusetts.

The last three times I have been elected to the Senate I have had, I believe, every Republican vote of the Legislature, and I was assured—of course I cannot speak with much confidence of such a matter—that I could have all the Democratic votes, if necessary. I state these things with a feeling of natural pride. But I do not attribute it to any special merit of mine. It has been the custom of Massachusetts to continue her Senators in public life so long as they were willing, and were in general accord with the political opinion of the majority of the people.

I have, however, owed very much indeed to the moderation and kindness of the eminent gentlemen who might have been most formidable competitors, if they had thought fit. Just before the election of 1883, when all the discontented elements were seeking a candidate, General Francis A. Walker, one of the ablest men ever born on the soil so productive of good and able men, was proposed as my competitor. He would have had a great support. I think he would have liked the service, for which he was so eminently fitted. He had been my pupil, and had gone from my office to the War. He came out promptly in a letter in which he declared that in his judgment Mr. Hoar was the fittest person in the Commonwealth for the office of Senator. Governor Long was my Republican competitor in 1883. But on two or three occasions since, when he was proposed in many quarters for the office of Senator, he promptly refused to have his name submitted to the Legislature, and declared himself for me. He is a man of brilliant ability, and a great favorite with the people of the Commonwealth. General William F. Draper, lately Ambassador to Italy, a most distinguished soldier, a business man of great sagacity and success, having inherited from his father a right to the regard of the people—a regard which has been extended not only to him, but also to his very able and excellent brothers—more than once when there has been an election of Senator, has been proposed in many quarters. He has promptly, both in letter and in public interviews, rejected the suggestion, finally with impatience that he was put to the trouble of repeating himself in the matter so often.

I think that in any other State than Massachusetts, and even there, without the great kindness and moderation of these gentlemen, my tenure of office, which will have continued for thirty-eight years, if my life be spared, would have been much shorter.

Mr. Sumner was in general accord with the Republicans of Massachusetts on important questions in issue in his time. But he bitterly and savagely attacked President Grant at the height of his popularity, and did his best to defeat him for reelection. He allowed his name to be used as candidate for Governor, against Governor Washburn. The defeat of Grant would, of course, have caused that of Henry Wilson, candidate for the Vice-Presidency. Still I have no doubt that if Mr. Sumner had lived, he would have been reelected to the Senate without any very formidable opposition.

CHAPTER II PRESIDENT HAYES

President Hayes's Administration began under circumstances of peculiar difficulty. In the first Congress of his term the Democrats had a majority in the House. They had refused to pass the Army Appropriation Bill the winter before and would not consent to such a bill in the following winter without a condition that no military force should be used to maintain order at elections, or to keep in power state governments obnoxious to them. But his worst foes were of his own household. There were two factions among the Republicans, one led by Mr. Blaine and the other by Conkling and Cameron. Blaine and Conkling had been disappointed aspirants for the Presidency. Mr. Hayes and his advisers were in favor of what was called reform in the civil service and utterly rejected the claim of Senators and Representatives to dictate nominations to executive and judicial offices. With the exception of Stanley Matthews of Ohio and my colleague, Mr. Dawes, I was, I believe, the only cordial supporter of the President in the Senate.

Mr. Blaine was disposed, I think, in the beginning, to give the President his support. But he was rendered exceedingly indignant by the refusal of President Hayes to appoint Mr. Frye to a seat in the Cabinet, which Mr. Blaine desired, as it would smooth the way of Mr. Eugene Hale, his most intimate friend and strongest supporter, to succeed Mr. Hamlin in the Senate. President Hayes was willing to appoint Mr. Hale to a Cabinet office. But Mr. Hale, I think very wisely, declined the overture, as he had before declined the tender of a seat in the Cabinet from President Grant. He would have made an excellent Cabinet officer. But he was specially fitted for the more agreeable and permanent public

service of Senator. I do not know what occasioned President Hayes's reluctance to comply with Mr. Blaine's desire. But it was a fortunate decision for Mr. Frye. If he had gone into the Cabinet, in all likelihood the people of Maine would have chosen another Senator when Mr. Blaine became Secretary of State under Garfield in 1881, and according to the habit of the people of that State would have continued him in their service. So Mr. Frye's brilliant and useful career in the Senate would have been wanting to the history of the Republic.

I had myself something to do with the selection of the Cabinet. I had been a member of the Convention held at Cincinnati that had nominated President Hayes. The Massachusetts delegation had turned the scale between him and Blaine. Their votes gave him the slender majority to which he owed his nomination. I had also been a member of the Electoral Commission to which the contest between him and Tilden had been submitted and I had been on the committee that framed the bill under which that Commission was created. I had voted with the Democrats of the House to support that bill against the judgment of a large majority of the Republicans. I agreed with President Hayes in the matter of a reform in the civil service and in his desire to free the Executive power from the trammel of senatorial dictation.

I had formed a strong friendship with Mr. McCrary in the House of Representatives and had earnestly commended him to the President for appointment to the office of Attorney-General. I did not expect to make any other recommendation. There had been an unfortunate estrangement between the Republicans of Massachusetts and of Maine by reason of the refusal of the Massachusetts delegation to support Mr. Blaine for the Presidency. I thought it desirable for the interest of the Republican Party that that breach should be healed and especially desirable that the incoming administration, so beset with difficulty, should have the powerful support of Mr. Blaine and of those Republicans of whom he was the leader and favorite. So I thought it best that he should be consulted in the matter of the selection of a Cabinet officer from New England and that I should keep aloof.

But the day after President Hayes's inauguration, rather late in the afternoon, Mr. Blaine came into the Senate Chamber and told me with some appearance of excitement that he thought the President wanted to see the Massachusetts Senators. I did not, however, act upon that message, and did not go to the White House that day. I was at my room in the evening when Senator Morrill of Vermont came and told me that President Hayes wished him to inquire of me what Massachusetts man I desired to have appointed to a place in the Cabinet. I told Mr. Morrill that there were two gentlemen of great capacity and high character, either of whom would make an excellent Cabinet officer. One of them was William B. Washburn, and the other Alexander H. Rice. Each of them had held the office of Governor of the Commonwealth, and each of them had been a very eminent member of the House of Representatives. But I said that each belonged to what might be called a separate faction or division in the Republican Party, and the appointment of either would be distasteful to some of the supporters of the other. I added that there was one man of whom I thought very highly indeed, an intimate friend of mine, whose appointment I thought would give pleasure to everybody in Massachusetts. That was General Charles Devens, then Judge of the Supreme Court, a very eminent advocate and orator, and one of the most distinguished soldiers the State had sent into the war.

Mr. Morrill went back to the President with the message. Early the next morning I received notice from the White House that the President wished to see me. I complied with his desire at once. Mr. Dawes had also been sent for and was there. The President said he could offer General Devens the Department of War, or perhaps the Navy. Mr. Dawes thought that he would not be willing to accept the latter. I told the President that I thought he would; that General Devens was a native of Charlestown. He had always taken a great interest in the Navy. He had known a great many of the old and famous naval officers, and some of his near relatives had been in that service. But the President finally authorized me to send a telegram to General Devens offering him the Department of War. I sent the telegram and requested Devens to come at once to Washington, which he did. At the same time, the President stated his purpose to offer Mr. McCrary the Department of Justice. In the course of the day, however, it was reported to the President that Mr. McCrary had formed a decided opinion in favor of the McGarrahan claim, a claim which affected large and valuable mining properties in California. Most persons who had investigated the claim believed it to be utterly fraudulent. There were many persons of great influence who were interested in the mining property affected. They strongly appealed to the President not to place in the office of Attorney-General a man who was committed in favor of the claim. The President then asked me if I thought General Devens would be willing to accept the office of Attorney-General, and exchange it for that of Secretary of War later, when the McGarrahan claim had been disposed of so far as Executive action was concerned. I told the President that I thought he would. When General Devens arrived I stated the case to him. He said he should be unwilling to agree to such an arrangement. He would be willing to accept the office in the beginning, but if he were to give up the office of Attorney-General after having once undertaken it, he might be thought to have failed to discharge his duties to the satisfaction of the President, or that of the public. He was unwilling to take

that risk.

So the President determined to offer the Department of Justice to General Devens, and the Department of War to Mr. McCrary, a good deal to the disappointment of the latter. All McCrary's ambitions in life were connected with his profession. He took the first opportunity to leave the Executive Department for a judicial career.

The other members of the Cabinet were: William M. Evarts, Secretary of State; John Sherman, Secretary of the Treasury; Carl Schurz, Secretary of the Interior; David M. Key, Postmaster-General; Richard M. Thompson, of Indiana, Secretary of the Navy.

President Hayes was a simple-hearted, sincere, strong and wise man. He is the only President of the United States who promised, when he was a candidate for office, not to be a candidate again, who kept his pledge. He carried out the principles of Civil Service Reform more faithfully than any other President before or since down to the accession of President Roosevelt. General Grant in his "Memoirs" praises the soldierly quality of President Hayes very highly. He was made Brigadier-General on the recommendation of Sheridan, and brevetted Major-General for gallant and distinguished services. He wrote, after the Presidential election, to John Sherman, as follows: "You feel, I am sure, as I do about this whole business. A fair election would have given us about forty electoral votes at the South, at least that many; but we must not allow our friends to defeat one outrage by another. There must be nothing curved on our part. Let Mr. Tilden have the place by violence, intimidation and fraud rather than undertake to prevent it by means that will not bear the severest scrutiny."

He upheld the good faith of the nation in his veto of the bill to authorize the coinage of the silver dollar of 412-1/2 grains, and to restore its legal tender character in 1879; and in his veto of the bill violating our treaty with China. He grew steadily in public favor with all parties, and with all parts of the country, as his Administration went on. Under his Administration the resumption of specie payments was accomplished; and, in spite of the great difficulties caused by the factional opposition in his own party, he handed down his office to a Republican successor.

The weakness and folly of the charge against the decision of the Electoral Commission, that it was unconstitutional or fraudulent, and the fact that the American people were never impressed by these charges, is shown by the fact that General Garfield, one of the majority who gave that decision, was elected to succeed President Hayes, and that six of the eight members of that majority, now dead, maintained, every one them, throughout their honored and useful lives, the respect and affection of their countrymen, without distinction of party. Certainly there can be found among the great men of that great generation no more pure and brilliant lights than Samuel F. Miller, William Strong, Joseph P. Bradley, Frederick T. Frelinghuysen, Oliver P. Morton and James A. Garfield. There are two survivors of that majority, Mr. Edmunds and myself. Neither has found that the respect in which his countrymen held him has been diminished by that decision.

President Hayes has been accused of abandoning the reconstruction policy of his party. It has also been said that he showed a want of courage in failing to support the Republican State Governments in Louisiana and South Carolina; that if the votes of those States were cast for him they were cast for Packard and Chamberlain at the elections for Governor held the same day, and that he should have declined the Presidency, or have maintained these Governors in place. But these charges are, at the least, inconsiderate, not to say ignorant. It ought to be said also that President Grant before he left office had determined to do in regard to these State Governments exactly what Hayes afterward did, and that Hayes acted with his full approval. Second, I have the authority of President Garfield for saying that Mr. Blaine had come to the same conclusion. The Monday morning after the electoral count had been completed and the result declared, Blaine had a long talk with Garfield, which Garfield reported to me. He told him that he had made up his mind, if he had been elected, to offer the office of Secretary of State to Mr. Evarts, or, if anything prevented that, to Judge Hoar. He further said that he thought it was time to discontinue maintaining Republican State Governments in office by the National power and that the people of the Southern States must settle their State elections for themselves. Mr. Blaine by his disappointment in the formation of President Hayes's Cabinet was induced to make an attack on him which seems inconsistent with this declaration. But Mr. Blaine soon abandoned this ground, and, so far as I now remember, never afterward advocated interference with the control of the Southern States by National authority. It seems to me that President Hayes did only what his duty under the Constitution peremptorily demanded of him. I entirely approved his conduct at the time, and, so far as I know and believe, he agreed exactly with the doctrine on which I always myself acted before and since. The power and duty of the President are conferred and limited by the Constitution. The Constitution requires that no appropriation shall be made for the support of the Army for more than two years. In practice the appropriation is never for more than one year. That is for the express

purpose, I have always believed, of giving to Congress, especially to the House of Representatives, which must inaugurate all appropriation bills, absolute control over the use of the Army, and the power to determine for what purposes the military power shall be used. At the session before President Hayes's inauguration the Democratic House of Representatives had refused to pass an Army Bill. The House refused to pass an Army Bill the next year, except on condition that the soldiers should not be used to support the State Government.

It became necessary to call a special session of Congress in October, 1877, by reason of the failure of the Army Appropriation Bill the winter before. The first chapter of the Statutes of that session, being an act making appropriations for the support of the Army for the fiscal year ending June 30, 1878, and for other purposes, enacts "that none of the money hereby appropriated shall be expended, directly or indirectly, for any use not strictly necessary for, and directly connected with, the military service of the Government; and this restriction shall apply to the use of public animals, forage, and vehicles."

It was, therefore, President Hayes's Constitutional duty, in my judgment, to desist from using the military power of the Government on the 30th day of June, 1877, when the fiscal year expired for which there was an appropriation for the support of the Army. In fact he removed the troops a little earlier. But he received assurances from the Democratic leaders— whether they were made good I will not now undertake to inquire— that there should be no unlawful force on their part after the removal of the troops. Mr. Hayes was right and wise in securing this stipulation if he could, by freeing these communities from military grasp a few weeks before he would have been compelled to do it at any rate. Obedience to this clear mandate of Constitutional duty was not in the least inconsistent with a faithful and vigorous use of all the other powers which were lodged in his hands by the Constitution for securing the rights of the colored people, or the purity and integrity of National elections. It is true that substantially the same vote elected Packard of Louisiana as that which chose the Hayes electors. But the authority to declare who is the President lawfully chosen, and the Constitutional power to maintain the Governor in his seat by force are lodged in very different hands. The latter can only be used by the National Executive under the circumstances specially described in the Constitution, and it can never be used by him for any considerable period of time contrary to the will of Congress, and without powers put in his hands by legislation which must originate in the body which represents the people.

The infinite sweetness and tact of his wife contributed greatly to the success of the Administration of President Hayes. She was a woman of great personal beauty. Her kindness of heart knew no difference between the most illustrious and the humblest of her guests. She accomplished what would have been impossible to most women, the maintenance of a gracious and delightful hospitality while strictly adhering to her principles of total abstinence, and rigorously excluding all wines and intoxicating liquors from the White House during her administration. The old wine drinkers of Washington did not take to the innovation very kindly. But they had to console themselves with a few jests or a little grumbling. The caterer or chef in charge of the State dinners took compassion on the infirmity of our nature so far as to invent for one of the courses which came about midway of the State dinner, a box made of the frozen skin of an orange. When it was opened you found instead of the orange a punch or sherbet into which as much rum was crowded as it could contain without being altogether liquid. This was known as the life-saving station.

Somebody who met Mr. Evarts just after he had been at a dinner at the White House asked him how it went off. "Excellently," was the reply, "the water flowed like champagne."

CHAPTER III CABINET OF PRESIDENT HAYES

There has hardly been a stronger Cabinet since Washington than that of President Hayes. Its members worked together in great harmony. All of them, I believe, were thoroughly devoted to the success of the Administration.

The Secretary of State was William M. Evarts. He was my near kinsman and intimate friend. His father died in his early youth. My father was Mr. Evarts's executor, and the son, after his mother broke up housekeeping, came to my father's house in his college vacations as to a home. He studied law at the Harvard Law School, and with Daniel Lord, a very eminent lawyer in New York. One of his early triumphs was his opening of the celebrated Monroe-Edwards case. The eminent counsel to whom the duty had been assigned being prevented from attendance by some accident, Evarts was unexpectedly called upon to take his place. He opened the case with so much eloquence that the audience in the crowded court-room gave him three cheers when he got through.

He rose rapidly to a distinguished place in his profession, and before he died was, I suppose, the foremost advocate in the world, whether in his country or Europe. He was counsel for President Johnson on his impeachment, counsel for the Republican side in support of the title of President Hayes before the Electoral Commission; counsel for the United States against Great Britain before the

Tribunal at Geneva. He was counsel in the celebrated Lemon case, where the case was settled as to the rights of slave owners to bring their slaves into the free States, and hold them *in transitu*. In all these he was successful. He was counsel also in another trial of almost equal interest and celebrity, the Tilton divorce suit— in which Henry Ward Beecher was charged with adultery. In this the jury disagreed. But the substantial victory was with Evarts's client.

Mr. Evarts was a man of unflinching equanimity and good nature, never thrown off his balance by any exigency in diplomacy, in political affairs, or in the trial of causes. Any person who has occasion to follow him in his diplomatic discussions will be impressed with the far-sighted wisdom and caution with which he took his positions.

He was always a delightful orator. He rose sometimes to a very lofty eloquence, as witness especially his argument in defence of President Johnson. He had an unflinching wit. You could never challenge him or provoke him to an encounter without making an abundant and sparkling stream gush forth. He never came off second best in an encounter of wits with any man. He was a man of great generosity, full of sympathy, charity, and kindness. If his biography shall ever be properly written, it will be as delightful as that of Sheridan or Sidney Smith for its wit, and will be valuable for the narrative of the great public transactions in which he took a part. Especially it will preserve to posterity the portraiture of a great lawyer and advocate of the time before the days of specialists, when the leaders of the American Bar were great lawyers and advocates.

I do not think Evarts's capacity as a diplomatist is known. Perhaps it never will be thoroughly understood. The work of a Secretary of State in dealing with foreign countries is performed in the highest confidence and does not ordinarily come to light until interest in the transaction to which it relates has grown cold. Evarts conducted some very delicate negotiations, including that in regard to the Fortune's Bay matter, with much skill. He was careful never, for the sake of present success, to commit the country to any doctrine which might be inconvenient in the remote future.

I think Evarts failed to appreciate his own political strength. He was in the early part of his life devoted to Mr. Webster, for whom he had great reverence, and later to Mr. Seward. He sometimes, I think, failed to take wholly serious views of political conditions, so far as they affected him personally. I do not think he ever knew the hold he had upon the respect of the country, or upon the affection of the men with whom he was brought into intimate association in public life, and at the Bar. He was very fond of his friends, classmates and kindred, and of his college.

After the defeat of the Republican Party in 1848 he was chosen Senator from the State of New York. He had been candidate for the Senate in 1841, to succeed Mr. Seward. His competitor was Horace Greeley. Some of Mr. Evarts's friends thought that the old supporters of Mr. Seward, and perhaps Mr. Seward himself, did not stand by him as the unflinching and powerful support of Seward would have led men to expect. But when he came into public life in 1848, and took his seat as a Senator from the great State of New York, men looked to him to be the great leader in restoring the broken ranks of the Republican Party. I think it would have been easy to make him the Republican candidate, and to elect him to the Presidency in 1852, if he had been willing to take that position himself. But he did not in the Senate, or in the counsels of the party, take or attempt to take the leadership for which he was fitted.

He was invited in the spring or early summer of 1848 to address a political club in Boston. The whole country listened eagerly to see what counsel the great Senator and the great Constitutional lawyer, and great orator, had to give to his party associates and to the people in that momentous time. But he contented himself with making a bright and witty speech. The club was known as the Middlesex Club, though it had its meetings in Boston. He gave a humorous description of the feelings of the Middlesex man when he went over to Boston, and those of the Boston man when he went over to Middlesex; and told one or two stories of his early days in Boston, where he was born. That was all. I felt as I listened as though a pail of ice-water had been poured down my spine.

But modesty and disinterestedness are qualities that are so infrequent among public men that we may well pardon this bright and delightful genius for that fault.

In the last years of his service in the Senate he had a very serious affliction of the eyes, which rendered it impossible for him to use them for reading or study, or to recognize by sight any but the most familiar human figures. He bore the calamity with unflinching cheerfulness. I believe it was caused by overwork in the preparation of a case. The first I knew of it, he asked me to meet him at Concord, where he was about to make a visit. He told me what had happened, and that his physicians in Washington and New York thought there was a possibility that they congestion of the veins surrounding the optic nerve might be absorbed. But they thought the case very doubtful, and advised him to go to Europe for the benefit of the journey, and for the possible advantage of advice there. He wanted me to undertake the duties devolving on him in the Committee of which he was Chairman, and to attend to some other public matters in his absence. His physician in Paris told him there was not the slightest

hope. He thought that the darkness would certainly, though gradually, shut down upon him. He received this sentence with composure. But he said that he had long wished to see Raphael's famous Virgin at Dresden, and that he would go to Dresden to see it before the night set in. This he did. So the faces of the beautiful Virgin and the awful children were, I have no doubt, a great consolation to him in his darkened hours.

John Sherman was Secretary of the Treasury. I sat next to him in the Senate for several years. I came to know him quite intimately. I suppose few men knew him more intimately, although I fancy he did not give his inmost confidence to anybody, unless to his brother the General, or to a few persons of his own family or household. I paid the following tribute to him the day after his death:

"It is rarely more than once or twice in a generation that a great figure passes from the earth who seems the very embodiment of the character and temper of his time. Such men are not always those who have held the highest places or been famous for great genius or even enjoyed great popularity. They rather are men who represent the limitations as well as the accomplishments of the people around them. They know what the people will bear. They utter the best thought which their countrymen in their time are able to reach. They are by no means mere thermometers. They do not rise and fall with the temperature about them. But they are powerful and prevailing forces, with a sound judgment and practical common sense that understands just how high the people can be lifted, and where the man who is looking not chiefly at the future but largely to see what is the best thing that can be done in the present should desist from unavailing effort. Such a man was John Sherman, for whom the open grave is now waiting at Mansfield. For nearly fifty years he has been a conspicuous figure and a great leader in the party which has controlled the Government. Of course, in a republic it can be claimed for no man that he controlled the course of history. And also, of course, it is not possible while the events are fresh to assign to any one man accurately his due share in the credit for what is done, especially in legislative bodies, where matters are settled in secret council often before the debate begins and almost always before the vote is taken.

"But there are some things we can say of Mr. Sherman without fear of challenge now and without fear of any record that may hereafter leap to light.

"He filled always the highest places. He sat at the seat of power. His countrymen always listened for his voice and frequently listened for his voice more eagerly than for that of any other man. He became a Republican leader almost immediately after he took his seat in the House of Representatives in 1855. He was candidate for Speaker before the war, at the time when the Republican Party achieved its first distinct and unequivocal national success, unless we except the election of General Banks, who had himself been elected partly by Know- Nothing votes. Mr. Sherman failed of an election. But the contest left him the single preeminent figure in the House of Representatives—a preeminence which he maintained in his long service in the Senate, in the Treasury, and down to within a few years of his death.

"He was a man of inflexible honesty, inflexible courage, inflexible love of country. He was never a man of great eloquence, or greatly marked by that indefinable quality called genius. But in him sound judgment and common sense, better than genius, better than eloquence, always prevailed, and sometimes seemed to rise to sublimity which genius never attains. His inflexible courage and his clear vision manifested themselves in the very darkest period of our history, when hope seemed at times to have gone out in every other heart. There is a letter in his Memoirs, written April 12, 1861, which, as I remember the gloom and blackness of that time, seems to me one of the sublimest utterances in our history. The letter was written to his brother William, afterward the General, who had been offered a place in the War Department, which Mr. Chase urged him to accept, saying that he would be virtually Secretary of War. The offer must have been a dazzling temptation to the young soldier who had left his profession and was engaged in civil duties as an instructor, I think, in a college somewhere. But John earnestly dissuades his brother from accepting it, urges him to take a position in the field, and foretells his great military success. He then adds the following prediction as to the future of the country. It was written at midnight at the darkest single hour of our history:

"Let me now record a prediction. Whatever you may think of the signs of the times, the Government will rise from the strife greater, stronger and more prosperous than ever. It will display every energy and military power. The men who have confidence in it, and do their full duty by it, may reap whatever there is of honor and profit in public life, while those who look on merely as spectators in the storm will fail to discharge the highest duty of a citizen, and suffer accordingly in public estimation.'

"Mr. Sherman's great fame and the title to his countrymen's remembrance which will most distinguish him from other men of his time, will rest upon his service as a financier. He bowed a little to the popular storm in the time of fiat money. Perhaps if he had not bowed a little he would have been uprooted, and the party which would have paid our national debt in fiat money would have succeeded.

But ever since that time he has been an oak and not a willow. The resumption of specie payments and the establishment of the gold standard, the two great financial achievements of our time, are largely due to his powerful, persistent and most effective advocacy.

"It is a little singular that two great measures that are called by his name are measures, one of which he disapproved, and with the other of which he had nothing to do. I mean the bill for the purchase of silver, known as the Sherman Law, and the bill in regard to trusts, known as the Sherman Anti-Trust Law. The former was adopted against his protest, by a committee of conference, although he gave it a reluctant and disgusted support at the end. It was, in my judgment, necessary to save the credit of the country at the time, and a great improvement on the law it supplanted.

"The other, known as the Sherman Anti-Trust Bill, I suppose he introduced by request. I doubt very much whether he read it. If he did, I do not think he ever understood it. It was totally reconstructed in the Judiciary Committee."

Mr. Sherman was delightful company. He had a fund of pleasant anecdote always coming up fresh and full of interest from the stores of long experience.

He was wise, brave, strong, patriotic, honest, faithful, simple-hearted, sincere. He had little fondness for trifling and little sense of humor. Many good stories are told of his serious expostulation with persons who had made some jesting statement in his hearing which he received with immense gravity. I am ashamed to confess that I used to play upon this trait of his after a fashion which I think annoyed him a little, and which he must have regarded as exceedingly frivolous.

He used occasionally to ask me to go to ride with him. One hot summer afternoon Mr. Sherman said: "Let us go over and see the new electric railroad," to which I agreed. That was then a great curiosity. It was perhaps the first street railroad, certainly the first one in Washington which had electricity for motive power. Mr. Sherman told his driver to be careful. He said the horses were very much terrified by the electric cars. I said: "I suppose they are like the labor reformers. They see contrivances for doing without their labor, and they get very angry and manifest displeasure." Mr. Sherman pondered for a moment or two, and then said with great seriousness: "Mr. Hoar, the horse is a very intelligent animal, but it really does not seem to me that he can reason as far as that." I told the General of it afterward, who was full of fun, and asked him if he really believed his brother thought I made the remark seriously; to which he replied that he had no doubt of it; that John never had the slightest conception of a jest.

At another time, one very hot summer day, Mr. Sherman said: "Hoar, I think I shall go take a ride; I am rather tired. When a vote comes up, will you announce that I am paired with my colleague?" I called out to Senator Rollins of New Hampshire, who sat a little way off, and who kept the record of pairs for the Republican side: "Rollins, there will be no vote this afternoon, except one on a funeral resolution in honor of Mr. Allen of Missouri. Will you kindly announce that Mr. Sherman is paired with his colleague?" Mr. Sherman got up in great haste and went over to Mr. Rollins, and said: "Mr. Rollins, Mr. Hoar entirely misunderstood me. I never should think of announcing a pair on a funeral resolution."

Mr. Sherman was not an eloquent man, except on some few occasions, when his simple statement without ornament or passion rose to the highest eloquence by reason of the impressiveness of his fact or of his reasoning. His memory failed in his last years, and the effect of age on his other faculties became apparent when he undertook to deal with new and complicated subjects. But he was clear to the last when his great subject of finance was under consideration. One of the most admirable examples of his power, also one of the most admirable examples of American campaign speaking, is his statement of the financial issue between the two parties at the beginning of the campaign of 1896. It struck the key-note. The other Republican speakers only followed it.

He took great satisfaction in his New England ancestry. He frequently spoke with great pleasure of a visit made by him and the General, some twelve or fifteen years ago, I think, to Woodbury, Connecticut, where his ancestors dwelt. He took a special pride in the character of his father, one of the Ohio pioneers, from whom, I judge from his account, both his illustrious sons derived in large measure their sterling quality. He was a far-away kinsman of my own, a relationship of which it may well be believed I am highly proud, and of which both General Sherman and Senator Sherman were kind enough frequently to speak.

For me his death ended an intimate friendship of nearly twenty-five years, during many of which we sat side by side in the Senate Chamber and enjoyed much unreserved social intercourse in long rides and walks. Among the great characters which American has given to mankind these two famous brothers, so different, yet so like in their earnest love of country, their independence and courage, their devotion to duty, will ever hold a high place.

George W. McCrary had been an eminent member of the House of Representatives, where he had the confidence of both parties. He was a protege of Judge Miller, with whom he studied law. His chief ambition, however, was for judicial service. He was much disappointed when it was found desirable that he should take the Department of War instead of the Department of Justice to which President Hayes originally intended to invite him. He very gladly accepted the offer of a seat on the Bench of the United States Circuit Court. He filled that office with great credit, and it is highly probable would have been promoted to the Supreme Court of the United States, but for his untimely death.

He was the originator of the method of solution of the dispute as to the title to the Presidency in 1876. It ought to be said, however, that it was done in full consultation with Mr. Blaine. I was then quite intimate with both of them, and a member of the Committee in the House who reported the plan. On the seventh day of December, 1876, at the beginning of the winter session, after the election, Mr. McCrary offered the following resolution. It was adopted.

"Whereas there are differences of opinion as to the proper mode of counting the electoral votes for President and Vice- President and as to the manner of determining questions that may arise as to the legality and validity of returns made of such votes by the several States;

"And whereas it is of the utmost importance that all differences of opinion and all doubt and uncertainty upon these questions should be removed, to the end that the votes may be counted and the result declared by a tribunal whose authority none can question and whose decision all will accept as final: Therefore,

"Resolved, That a committee of five members of this House be appointed by the Speaker, to act in conjunction with any similar committee that may be appointed by the Senate, to prepare and report without delay such a measure, either legislative or constitutional, as may in their judgment be best calculated to accomplish the desired end, and that said committee have leave to report at any time."

I do not know that a sketch of Richard W. Thompson, or Dick Thompson, as he was familiarly and affectionately called, properly finds a place in my autobiography. I knew him very slightly. I dare say I visited the Navy Department in his time. But I have now no recollection of it. I had a great respect for him. He lived in the lifetime of every President of the United States, except Washington, and I believe he saw every one of them, except Washington, unless it may be that he never saw Theodore Roosevelt. He was a very interesting character, a man of great common sense, public spirit, with a wonderful memory, and a rare fund of knowledge of the political history of the Northwest. Indeed he was an embodiment of the best quality of the people of the Ohio Territory, although born in Virginia. His great capacity was that of a politician. He made excellent stump speeches, managed political conventions with great shrewdness, and also with great integrity, and had great skill in constructing platforms. Colonel Thompson was a very valuable political adviser. It has never been the custom to select Secretaries of the Navy on account of any previously acquired knowledge of naval affairs, although the two heads of that Department appointed by Presidents McKinley and Roosevelt have conducted it with wonderful success in a very difficult time. A day or two after the Inauguration, John Sherman, the new Secretary of the Treasury, gave a very brilliant dinner party to the Cabinet, at which I was a guest. The table was ornamented by a beautiful man-of-war made out of flowers. Just before the guests sat down to dinner a little adopted daughter of Secretary Sherman's attached a pretty American flag to one of the masts. Somebody called attention to the beauty of the little ornament. I asked Secretary Thompson across the table to which mast of a man-of-war the American flag should be attached. Thompson coughed and stammered a little, and said: "I think I shall refer that question to the Attorney-General."

David M. Key was appointed Postmaster-General in furtherance of President Hayes's desire, in the accomplishment of which he was eminently successful, to promote harmony between the sections, and to diminish, so far as possible, the heat of party feeling which had blazed so intensely at the time of his election. Mr. Key was a Democrat, and never, I believe, certainly not during President Hayes's Administration, abandoned his allegiance to the Democratic Party. He had been a member of the Senate from Tennessee, and Lieutenant-Colonel in the Confederate Army. His appointment was a popular one. Mr. Key administered the affairs of the Department very satisfactorily, in which he was aided very much by his Assistant Postmaster- General, Mr. Tyner, who had been an eminent member of the House, to whom, I suppose, he left the matter of appointments to office.

Carl Schurz was a very interesting character. When I entered the House he was a member of the Senate from the State of Missouri. He was admirably equipped for public service. Although a native of Germany, he had a most excellent, copious and clear English style. No man in either House of Congress equalled him in that respect. He was a clear reasoner, and not lacking on fit occasion in a stirring eloquence. He had rendered great service to the country. The value to the Union cause of the stanch

support of the Germans in the Northwest, including Missouri, whose principal city, St. Louis, contained a large German population, can hardly be over-estimated. Without it Missouri would have passed an ordinance of secession, and the city would have been held by the Confederates from the beginning of the war. To prevent this the patriotism and influence of Carl Schurz, then very powerful with his German fellow-citizens, largely contributed. He also combated with great power the dangerous heresy of fiat money and an irredeemable currency. He was a staunch advocate of civil service reform, although he left Congress before the legislation which accomplished that was adopted. So he will be entitled to a high place in the history of the very stormy time in which he has lived, and to the gratitude of his countrymen.

But he seems to me to have erred in underrating the value of party instrumentalities and of official power in accomplishing what is best for the good of the people. When his Republican associates committed what he thought some grave errors, he helped turn Missouri over to the Democrats, who have held it ever since. So the political power of the State since Mr. Schurz abandoned the Republican Party because of his personal objection to President Grant, has been exerted against everything Mr. Schurz valued—honest elections, sound money, security to the enfranchised Southern men, and the Constitutional rights which Mr. Schurz helped gain for them. He has never seemed to care for organization, still less to be influenced by that attachment to organization which, while sometimes leading to great evil, has been the source of inspiration of nearly everything that has been accomplished for good in this world.

Mr. Blaine says of him, with some exaggeration, but with some truth, that he has not become rooted and grounded anywhere, has never established a home, and is not identified with any community.

So the influence of Mr. Schurz has only been to contribute some powerful arguments to the cause which he espoused and never, certainly for a great many years, that of a leader. Mr. Schurz's arguments for the last thirty years would have been as effective if published anonymously, and I dare say more effective than they have been when given to the world under his name.

Mr. Blaine says of him that he has not the power of speaking extempore; that he requires careful and studious preparation, and is never ready, off-hand, to shoot on the wing. I do not agree with Mr. Blaine's estimate of Mr. Schurz in that particular. I have heard him make very effective speeches in the Senate, and elsewhere, that were undoubtedly extemporaneous. Mr. Blaine says that Mr. Schurz is so deficient in this respect that he has been known to use manuscript for an after-dinner response. But that has been done, not infrequently, by persons who have first-rate capacity for extemporaneous speaking, but who desire to say something to a number of persons much greater than those who sit around the tables, who are eager to read what they say. That should be carefully matured both in thought and phrase, and should convey their meaning with more precision than off-hand speaking is likely to attain, and be reported with more accuracy than off-hand speaking is likely to get.

I have never been intimate with Mr. Schurz. I deeply lamented his action in supporting Mr. Cleveland, and contributing what was in his power to the defeat of the Republican Party on two occasions—a defeat which brought so much calamity to the Republic. I have thought that in his dislikes and severe judgment of individuals he lost sight of great principles. His independence of his own party led him to support a very much worse party domination, and to help to accomplish measures and establish principles to which he had been all his life utterly opposed. But the services to which I have alluded should not be forgotten. They entitle him to the highest respect, and should far outweigh his faults and mistakes.

Mr. Schurz made one very unfortunate mistake quite early in the course of his administration of the Interior Department. He had formed the opinion, I suppose without much practical experience in such matters, that it would be a good plan to get the civilized Indians of the country into the Indian Territory. Accordingly he had issued an order for the removal of the Ponca Indians, of Nebraska, to the Indian Territory. The Poncas were a small tribe, living on excellent lands, to which they were exceedingly attached. They were a peaceful people. It was their boast that no Ponca had ever injured a white man. Mr. Schurz had been informed that the Poncas were willing to go. But when they heard of the scheme, they strenuously objected. They sold their ponies to enable an agent to go to Washington to make their protest known. But Mr. Schurz was immovable. The Nebraska Senators waited upon him, but their expostulations were received with disdain, as the counsel of politicians who were not entitled to much respect. The removal was effected. The Indian Territory proved unhealthy for them. A part of the tribe made their escape, took the coffins of those who had died with them, and made their way back to the original home of their ancestors.

The public feeling was deeply aroused. I happened to be at home in Worcester when a meeting was called by clergymen and other philanthropic gentlemen. It was addressed by a young Indian woman, named Bright Eyes, who belonged, I think, to a tribe closely allied to the Poncas. I attended the

meeting, but was careful not to commit myself to any distinct opinion without knowing more of the facts. When I got back to Washington, President Hayes called on me at my room. It was the only time I have ever known a President of the United States to call upon a member of either House of Congress on public business, although I believe President Lincoln sometimes did it; and it may possibly have happened on other occasions. President Hayes was very much excited. He seemed at the time to think that a great wrong had been done by the Secretary. He brought his fist down upon the table with great emphasis, and said: "Mr. Hoar, I will turn Mr. Schurz out, if you say so." I said: "O no, Mr. President, I hope nothing of that kind will be done. Mr. Schurz is an able man. He has done his best. His mistake, if he has made one, is only that he has adhered obstinately to a preconceived opinion, and has been unwilling to take advice or receive suggestions after he had determined on his course. It would be a great calamity to have one of your Cabinet discredited by you." President Hayes took that view of it. Indeed, I believe on further and fuller inquiry, he came to the conclusion that it was his duty to sustain the Secretary, so far as to keep in the Indian Territory the fragment of the Ponca Tribe who were still there.

I took no public part in the matter. My colleague, Mr. Dawes, who was a very earnest champion and friend of the Indians, commented on the course of the Secretary in the Senate with great severity; and he and the Secretary had an earnest controversy.

Mr. Schurz was a great favorite with our Independents and Mugwumps, many of whom had, like him, left the Republican Party in 1872, and some of whom had not returned to their old allegiance. Mr. Schurz was invited to a public dinner in Boston, at which President Eliot, Dr. James Freeman Clarke and several eminent men of their way of thinking, took part. They did not discuss the merits of the principal question much, but the burden of their speech was eulogy of Mr. Schurz as a great and good man, and severe condemnation of the character of the miserable politicians who were supposed to be his critics and opponents. There was a proposition for a call for a public meeting on the other side to condemn the Secretary, and stand by the Indians. In this call several very able and influential men joined, including Governor Long. I advised very strongly against holding the meeting. I was quite sure that, on the one hand, neither Mr. Schurz nor the Administration was likely to treat the Indians cruelly or unjustly again; and on the other hand I was equally sure of the absolute sincerity and humanity of the people who had found fault with his action. A day or two, however, after the Schurz dinner, a reporter of a prominent newspaper in Boston asked me for an interview about the matter, to which I assented. He said: "Have you seen the speeches of President Eliot and Dr. Clarke and Mr. Codman at the Schurz banquet?" I said, "Yes." He asked me: "What do you think of them?" I said: "Well, it is very natural that these gentlemen should stand by Mr. Schurz, who has been their leader and political associate. President Eliot's speech reminds me of Baillie Nichol Jarvie when he stood up for his kinsman, Rob Roy, in the Town Council of Glasgow when some of the Baillie's enemies had cast in his teeth his kinship with the famous outlaw. 'I tauld them,' said the Baillie, 'that barring what Rob had done again the law, and that some three or four men had come to their deaths by him, he was an honest man than stude on ony of their shanks.'" This ended the incident, so far as I was concerned.

To draw an adequate portraiture of Charles Devens would require the noble touch of the old masters of painting or the lofty stroke of the dramatists of Queen Elizabeth's day. He filled many great places in the public service with so much modesty and with a gracious charm of manner and behavior which so attracted and engrossed our admiration that we failed at first to discern the full strength of the man. It is not until after his death, when we sum up what he has done for purposes of biography or of eulogy, that we see how important and varied has been the work of his life.

Charles Devens was born in Charlestown, Massachusetts, April 4, 1820. His family connections led him to take early in life a deep interest in the military and naval history of the country, especially in that of the War of 1812; while the place of his birth and the fact that he was the grandson of Richard Devens gave to him the interest in the opening of the Revolution which belongs to every son of Middlesex. He was a pupil at the Boston Latin School; was graduated at Harvard in 1838; was admitted to the bar in 1840; practised law in Northfield and afterward in Greenfield; was Senator from Franklin County in 1848 and 1849; was Brigadier-General of the militia; was appointed United States Marshal by President Taylor in 1849, holding that office until 1853; removed to Worcester in 1854; formed a partnership with George F. Hoar and J. Henry Hill in December, 1856; was City Solicitor in the years 1856, 1857 and 1858. The news of the surrender of Fort Sumter was received in Worcester Sunday, April 14. Monday forenoon came the confirmation of the news and President Lincoln's call for 75,000 volunteers. General Devens was engaged in the trial of a cause before the Supreme Court, when the news was told him. He instantly requested another member of the Bar to take his place in the trial, went immediately up street, offered his services to the Government, was unanimously chosen the same day Major of the Third Battalion of Massachusetts Rifles, commissioned the next day, April 16, departed for the seat of war April 20. The battalion under his command was stationed at Fort McHenry. On the 24th of July following he was appointed Colonel of the Fifteenth Massachusetts Regiment.

Gen. Devens was in command of the Fifteenth Regiment at the disastrous battle of Ball's Bluff, where he was struck by a musket ball, which was intercepted by a metallic button which saved his life. His conduct on that day received high encomium from General McClellan. He was soon after appointed a Brigadier-General of Volunteers, and assigned to a brigade in Couch's Division of the Fourth Corps. His division was engaged in the battle in front of Fort Magruder on the 5th of May, 1862. On the 31st of the same month he was engaged in the most critical portion of the desperate fight at Fair Oaks, where his command was conspicuous for valor and devotion. This was one of the most stubbornly contested fields of the war. Gen. Devens was severely wounded toward the close of the day, but with a few other officers he succeeded in reforming the repeatedly broken lines and in holding the field until reinforcements arrived and stayed the tide of Confederate triumph. He returned to his command as soon as his wound would permit, and took part in the battle of Fredericksburg in December, 1862. In his official report General Newton says: "My acknowledgments are due to all according to their opportunities, but especially to Brigadier-General Charles Devens, who commanded the advance and the rear guard, in the crossing and recrossing of the river." In the following spring General Devens was promoted to the command of a division of the Eleventh Corps. He was posted with his division of 4,000 men on the extreme right of the flank of Hooker's army, which was attacked by 26,000 men under the great rebel leader, Stonewall Jackson. General Devens was wounded by a musket ball in the foot early in the day; but he kept the field, making the most strenuous efforts to hold his men together and stay the advance of the Confederates until his Corps was almost completely enveloped by Jackson's force and, in the language of General Walker, "was scattered like the stones and timbers of a broken dam." He recovered from his wound in time to take part in the campaign of 1864. His troops were engaged on the first of June in the battle of Cold Harbor, and carried the enemy's entrenched line with severe loss. On the third of June, in an attack which General Walker characterizes as one "which is never spoke of without awe and bated breath by any one who participated in it," General Devens was carried along the line on a stretcher, being so crippled by inflammatory rheumatism that he could neither mount his horse nor stand in his place. This was the last action in which he took an active part. On the third of April, 1865, he led the advance into Richmond, where the position of Military Governor was assigned to him after the surrender. He afterwards was second in command to General Sickles, in the Southeastern Department, and exercised practically all the powers of government for a year or two. This command was of very great importance to him as a part of his legal training. Upon him practically devolved the duty of deciding summarily, but without appeal, all important questions of military law as well as those affecting the civil rights of citizens during his administration.

He was offered a commission in the regular army, which he declined. He came back to Worcester in 1866; renewed his partnership with me for a short time; was appointed Justice of the Superior Court April, 1867; was appointed Justice of the Supreme Court of Massachusetts in 1873; was offered the appointment of Secretary of War in the Cabinet of President Hayes March 5, 1877; a day or two later was tendered the office of Attorney-General by the President, which he accepted and held until the expiration of President Hayes's Administration. He was offered the office of Judge of the Circuit Court of the First Circuit at the death of Judge Shepley, which he very much desired to accept. But the President, although placing this office at his disposal, was exceedingly unwilling to lose his service in the Cabinet; and General Devens, with his customary self-denial, yielded to the desire of his chief. He was again appointed Justice of the Supreme Court of Massachusetts in 1881, and held that office until his death.

He was elected a member of the American Antiquarian Society October 21, 1878. He was a member of the Massachusetts Historical Society. He received the degree of LL.D. from Harvard University in the year 1877. He was chosen President of the Harvard Alumni Association, and again elected President of that Association in 1886, in order that he might preside at the great celebration of the 250th anniversary of the foundation of the college, which he did with a dignity and grace which commanded the admiration of all persons who were present on that interesting occasion. He died January 7, 1891.

General Devens gained very soon after establishing himself in Worcester the reputation of one of the foremost advocates at the bar of Massachusetts. He was a model of the professional character, of great courtesy to his opponent, great deference to the court, fidelity to his client, giving to every case all the labor which could profitably be spent upon it. The certainty of the absolute fidelity, thoroughness, and skill with which his part of the duty of an important trial would be performed, made it a delight to try cases as his associate. He was especially powerful with juries in cases involving the domestic relations, or which had in them anything of the pathos of which the court-house so often furnishes examples. He did not care in those days for the preparation or argument of questions of law, although he possessed legal learning fully adequate to the exigencies of his profession, and never neglected any duty.

His fine powers continued to grow as he grew older. I think he was unsurpassed in this country in the generation to which he belonged in native gifts of oratory. He had a fine voice, of great compass and

power, a graceful and dignified presence. He was familiar with the best English literature. He had a pure and admirable style, an imagination which was quickened and excited under the stimulus of extempore speech, and was himself moved and stirred by the emotions which are most likely to move and stir an American audience. Some of his addresses to juries in Worcester are now remembered, under whose spell jury and audience were in tears, and where it was somewhat difficult even for the bench or the opposing counsel to resist the contagion. He never, however, undertook to prepare and train himself for public speaking, as was done by Mr. Choate or Mr. Everett, or had the constant and varied practice under which the fine powers of Wendell Phillips came to such perfection. But his fame as an orator constantly increased, so that before his death no other man in Massachusetts was so much in demand, especially on those occasions where the veterans of the war were gathered to commemorate its sacrifices and triumphs.

Among the most successful examples of his oratoric power is his address at Bunker Hill at the Centennial in 1875, where the forming the procession and the other exercises occupied the day until nearly sundown, and General Devens, the orator of the day, laid aside his carefully prepared oration and addressed the audience in a brief speech, wholly unpremeditated, which was the delight of everybody who heard it.*

[Footnote] * "The oration by Judge Devens was magnificent. He spoke wholly without notes and his effort was largely extemporaneous. He began by saying that the lateness of the hour ('twas nearly six o'clock) would prevent his following the train of any previously prepared effort and he would briefly review the history of the battle and its results upon the world's history. He spoke for nearly an hour and a quarter, holding his fine audience in rapt attention by his eloquence, the elegance of his diction and his superb enunciation. It was, indeed, a wonderful effort, and will compare favorably with Webster's great orations in '25 and '43."—From the diary of Henry H. Edes. [End of Footnote]

At New Haven he delivered the address before the Army of the Potomac in commemoration of General Meade and the battle of Gettysburg, which is a fine specimen of historic narrative mingled and adorned with stately eloquence. At the banquet in the evening of the same day the gentleman who had been expected to respond to the toast, "The private soldier," was unexpectedly called away, and General Devens was asked at a moment's notice and without preparation to take his place. I heard President Grant—no mean judge—who had himself listened to so much of the best public speaking in all parts of the country, say that General Devens's response to this toast was the finest speech he ever heard in his life. The eulogy upon Grant delivered at Worcester, especially the wonderful passage where he contrasts the greeting which Napoleon might expect from his soldiers and companions in arms at a meeting beyond the grave with that which Grant might expect from his brethren, is also one of the best specimens of eloquence in modern times. Surpassing even these are the few sentences he addressed to his regiment after the battle of Ball's Bluff.

General Devens had a modest estimate of his own best powers. While he was an admirable judge, bringing to the court the weight of his great experience, his admirable sense, his stainless integrity, his perfect impartiality, his great discernment, his abundant learning, it has always seemed to me that he erred after the war in not preferring political life to his place upon the bench. He could easily have been Governor or Senator, in which places the affection of the people of Massachusetts would have kept him for a period limited only by his own desire, and might well have been expected to pass from the Cabinet to an even higher place in the service of his country. But he disliked political strife, and preferred those places of service which did not compel him to encounter bitter antagonism.

He filled the place of Attorney-General with a dignity and an ability which has been rarely if ever surpassed by any of the illustrious men who have filled that great office. The judges of the Supreme Court long after he had left Washington were accustomed to speak of the admirable manner in which he had discharged his duties. I once at a dinner heard Mr. Justice Bradley, who was without a superior, if not without a peer in his day, among jurists on either side of the Atlantic, speak enthusiastically of his recollection of General Devens in the office of Attorney-General. Judge Bradley kindly acceded to my request to put in writing what he had said. His letter is here inserted:

WASHINGTON, January 20th, 1891.
HON. GEO. F. HOAR.

My Dear Sir: You ask for my estimate of the services and character of General Devens as Attorney-General of the United States. In general terms I unhesitatingly answer, that he left upon my mind the impression of a sterling, noble, generous character, loyal to duty, strong, able, and courteous in the fulfillment of it, with such accumulation of legal acquirement and general culture as to render his counsels highly valuable in the Cabinet, and his public efforts exceedingly graceful and effective. His professional exhibitions in the Supreme Court during the four years that he represented the Government, were characterized by sound learning, chastely and accurately expressed, great breadth

of view, the seizing of strong points and disregard of minute ones, marked deference for the court and courtesy to his opponents. He was a model to the younger members of the bar of a courtly and polished advocate. He appeared in the court only in cases of special importance; but of these there was quite a large number during his term. As examples, I may refer to the cases of *Young v. United States* (97 U. S. 39), which involved the rights of neutrals in our Civil War, and particularly the alleged right of a British subject, who had been engaged in running the blockade, to demand compensation for a large quantity of cotton purchased in the Confederacy and seized by the military forces of the United States;—*Reynolds v. United States* (98 U. S. 145), which declared the futility of the plea, in cases of bigamy among the Mormons, of religious belief, claimed under the first amendment of the Constitution; and established the principle that pretended religious belief cannot be accepted as a justification of overt acts made criminal by the law of the land;—The Sinking Fund Cases (99 U. S. 700), which involved the validity of the act of Congress known as the Thurman Act, requiring the Pacific Railroad Companies to make annual payments for a sinking fund to meet the bonds loaned to them by the Government;—*Tennessee v. Davis* (100 U. S. 257), as to the right of a United States officer to be tried in the Federal courts for killing a person in self-defence whilst in the discharge of his official duties;—The Civil Rights case of *Strander v. W. Virginia and others* (100 U. S. 303-422), in which were settled the rights of all classes of citizens, irrespective of color, to suffrage and to representation in the jury box, and the right of the Government of the United States to interpose its power for their protection;—*Neal v. Delaware* (103 U. S. 370), by which it was decided that the right of suffrage and (in that case) the consequent right of jury service of people of African descent were secured by the 15th Amendment to the Constitution, notwithstanding unrepealed state laws or constitutions to the contrary.

In all these cases and many others the arguments of the Attorney- General were presented with distinguished ability and dignity, and with his habitual courtesy and amenity of manner; whilst his broad and comprehensive views greatly aided the court in arriving at just conclusions. In all of them he was successful; and it may be said that he rarely assumed a position on behalf of the Government, in any important case, in which he was not sustained by the judgment of the court. His advocacy was conscientious and judicial rather than experimental— as is eminently fitting in the official representative of the Government. It best subserves the ends of justice, the suppression of useless litigation, and the prompt administration of the law.

I can only add that the members of the Supreme Court parted with Attorney-General Devens with regret. Of him, as of so many other eminent lawyers, the reflection is just, that the highest efforts of advocacy have no adequate memorial. Written compositions remain; but the noblest displays of human genius at the bar—often, perhaps, the successful assaults of Freedom against the fortresses of Despotism—are lost to history and memory for want of needful recordation. *Vixere fortes ante Agamemnona*; or, as Tacitus says of the eloquent Haterius, "Whist the plodding industry of scribblers goes down to posterity, the sweet voice and fluent eloquence of Haterius died with himself."

Very truly yours.

JOSEPH P. BRADLEY.

He was an admirable historical investigator and narrator. He carefully investigated the facts. He told the story of the heroic days of the Revolution and of the heroic days of the War for the Union with a graphic power which will give his addresses on such subjects a permanent place in our best historical literature.

But it is as a soldier that his countrymen will remember him, and it is as a soldier that he would wish to be remembered. Whatever may be said by the philosopher, the moralist, or the preacher, the instincts of the greater portion of mankind will lead them to award the highest meed of admiration to the military character. Even when the most selfish of human passions, the love of power or the love of fame, is the stimulant of the soldier's career, he must at least be ready for the supreme sacrifice—the willingness to give his life, if need be, for the object he is pursuing. But when his end is purely unselfish, when the love of country or the desire to save her life by giving his own has entire mastery of the soul, all mankind are agreed to award the good soldier a glory which it bestows nowhere else.

There was nothing lacking in General Devens to the complete soldierly character. He had a passionate love of his country; he was absolutely fearless; he never flinched before danger, sickness, suffering or death. He was prompt, resolute and cool in the face of danger. He had a warm and affectionate heart. He loved his comrades, especially the youth who were under his command. He had that gentle and placable nature which so often accompanies great courage. He was incapable of a permanent anger. He was still less capable of revenge or of willingness to inflict injury or pain.

As Clarendon says of Falkland: "He had a full appetite of fame by just and generous actions, so he had an equal contempt for it by base and servile expedients." He never for an instant tolerated that most pernicious and pestilent heresy, that so long as each side believed itself to be in the right there

was no difference between the just and the unjust cause. He knew that he was contending for the life of his country, for the fate of human liberty on this continent. No other cause would have led him to draw his sword; and he cared for no other earthly reward for his service.

Oh just and faithful knight of God,
Ride on, the prize is near.

CHAPTER IV ATTEMPT TO REOPEN THE QUESTION OF THE TITLE TO THE PRESIDENCY

In general the determination of the title to the Presidency was acquiesced in in a manner highly creditable to the people. The Democratic party submitted to their disappointment in a manner which was on the whole exceedingly praiseworthy. This was due very largely to the influence of Mr. Lamar, of Mississippi, and I suppose to that of Mr. Bayard, of Delaware. But there were not wanting persons who were willing to revive the question for political advantage, whatever the effect upon the public tranquillity. On May 13, 1878, when the President had been for more than a year in the quiet possession of his office, Mr. Clarkson N. Potter, of New York, introduced in the House of Representatives a resolution for the appointment of a Committee to investigate alleged frauds in the States of Louisiana and Florida, in the recent Presidential election. This resolution was adopted by the House, in which every possible parliamentary method for its defeat was resorted to by the Republican minority. The Republicans were exceedingly alarmed, and the proceeding seemed likely to create a financial panic which would disturb and injure the business of the country.

Shortly after Mr. Potter's committee was appointed, it was expected that a report would be made denying the validity of President Hayes's title, and that the Democratic House of Representatives would be advised to refuse to acknowledge him as President. This would have thrown the Government into great confusion and would have made a square issue. A caucus of Republican Senators was held, and the following gentlemen were appointed a Committee, with directions to report what action, if any, ought to be taken in the Senate in the matter: Mr. Edmunds, Mr. Howe, Mr. Conkling, Mr. Allison, Mr. Sargent, Mr. Ingalls, Mr. Oglesby, Mr. Jones (of Nevada), Mr. Christiancy, Mr. Blaine, Mr. Hoar.

I was requested by my associates to prepare an address to the people, to be signed by the Republican Senators, arraigning the Democratic leaders for their unjustifiable and revolutionary course, and pointing out the public danger. The Committee had a second meeting, when I read to them the following address, which I had prepared and which I still have in my possession:

"Our sense of the presence of a great public danger makes it our duty to address you. We are satisfied that the leaders of the Democratic Party meditate an attack on the President's possession of his office, the results of which must be the destruction of the reviving industries of the country, civil confusion and war. There has been difference of opinion whether the count of the electoral vote, which under the Constitution determines the President's title, must be made by the two Houses of Congress, or by the President of the Senate in their presence. In the count of electoral votes, which resulted in the declaration of the election of President Hayes, both methods concurred, the action of the two Houses being in accordance with a law regulating their proceedings, enacted in the last Congress to meet the case by large majorities of both branches. The title of President Hayes, therefore, not only rests upon the strongest possible Constitutional sanction, but the honor of both the great parties in the country is solemnly pledged to maintain it.

"Yet the Democratic majority in the House of Representatives has set on foot a proceeding, which they call an investigation, intended, if they can get control of the next Congress, to pave the way for the expulsion of President Hayes, and the seating of Mr. Tilden in his place. It will be the President's duty to maintain himself in office, and the duty of all good citizens to stand by him. The result is Civil War.

"We know that many Democratic Senators and Representatives disclaim in private the purpose we attribute to their leaders, and denounce the wickedness and folly of an attempt to set aside the accepted result of the last election of President. You doubtless know that many of your Democratic neighbors give you the same assurance. Be not lulled by these assurances into a false security. He is little familiar with the history of that party who does not know how its members follow in compact columns where its leaders point the way. Like assurances preceded the repeal of the Missouri Compromise. Like assurances on the part of many Democrats at the South preceded the late rebellion. Such convictions on the part of the Democrats, however honest or earnest, of the danger and dishonor of the proceedings just inaugurated found expression in but a single dissenting vote in the House of Representatives.

"They say that they believe that the result in two of the States was accomplished by fraud. We believe, on the other hand, that those States, and others whose votes were counted for Tilden, were strongly Republican, and would have been counted for Hayes without a question, but for violence and

crime. The Constitution provides the time, place and manner in which these contentions must be settled. They have been so settled as between Hayes and Tilden, and it is only by usurpation and revolution that a subsequent Congress can undertake to reopen them. You know how easily party majorities persuade themselves, or affect to persuade themselves, of the existence of facts, which it is for their party interest to establish.

"At the end of his four years the President lays down his office, and his successor is chosen. The people have in their hands this frequent, easy and peaceful remedy for all evils of administration. The usurpation by Congress of the power to displace a President whenever they choose to determine that the original declaration of the result of an election was wrong, on whatever pretence it is defended, is a total overthrow of the Constitution.

"If you would ward off this blow at the national life, you have one perfect means of defence, the election of a Republican majority in the next House of Representatives."

When they had all agreed to it, Mr. Conkling, a member of the Committee who had not attended the previous meeting, came in late. The document was read to him. He opposed the whole plan with great earnestness and indignation, spoke with great severity of President Hayes, and said that he hoped it would be the last time that any man in the United States would attempt to steal the Presidency. Mr. Conkling's influence in the Senate and in the country was then quite powerful. It was thought best not to issue the appeal unless it were to have the unanimous support of the Republicans. But the discovery of some cipher dispatches, implicating some well-known persons, including one member of Mr. Tilden's household, in an attempt to bribe the canvassing boards in the South and to purchase some Republican electors in the South and one in Oregon, tended to make the leading members of that party sick of the whole matter. President Hayes served out his term peacefully and handed over the executive power, not only to a Republican successor, but to a member of the majority of the Electoral Commission. So it seems clear that the bulk of the American people had little sympathy with the complaints.

CHAPTER V THE SENATE IN 1877

When I came to the Senate that body was at the very height of its Constitutional power. It was, I think, a more powerful body than ever before or since. There were no men in it, I suppose, who were equal in reputation or personal authority to either of the great triumvirate—Webster, Clay and Calhoun. If we may trust the traditions that have come down from the time of the Administrations of Washington and Adams, when the Senate sat with closed doors, none of them ever acquired the authority wielded by the profound sagacity of Ellsworth.

But the National authority itself, of which the Senate was a part, was restricted by the narrow construction which prevailed before the Civil War. During the Civil War everything was bowed and bent before the military power. After the war ended the Senate was engaged in a controversy with Andrew Johnson, during which there could be no healthy action either of the executive or the legislative branch of the Government. It was like a pair of shears, from which the rivet was gone.

With the coming in of Grant harmonious relations were established between the two departments. But the Senators were unwilling to part with the prerogatives, which they had helped each other to assert, and which had been wrenched from the feeble hand of Johnson. What was called Senatorial Courtesy required every Senator belonging to the party in the majority to support every other in demanding the right to dictate and control the executive and judicial appointments from their respective States. So every Senator had established a following, like that of the Highland chieftain—"Vich Ian Vohr with his tail on"—devoted, of course, to the party, but devoted more completely and immediately to his political fortunes.

President Grant in the beginning undertook to break down this arrogant claim. He recommended the repeal of the Civil Tenure Act, the establishment of a system of competitive examinations for appointments in the civil service and, under the advice of Attorney-General Hoar, made the nominations to the new Circuit Court without regard to Senatorial dictation. But he very soon abandoned this purpose, and formed a close friendship and alliance with the most earnest opponents of the reform.

While, in my opinion, this claim of the Senators was untenable and of injurious public consequences, it tended to maintain and increase the authority of the Senate. The most eminent Senators—Sumner, Conkling, Sherman, Edmunds, Carpenter, Frelinghuysen, Simon Cameron, Anthony, Logan—would have received as a personal affront a private message from the White House expressing a desire that they should adopt any course in the discharge of their legislative duties that they did not approve. If they visited the White House, it was to give, not to receive advice. Any little company or coterie who

had undertaken to arrange public policies with the President and to report to their associates what the President thought would have rapidly come to grief. These leaders were men, almost all of them, of great faults. They were not free from ambition. Some of them were quite capable of revenge, and of using the powers of the Government to further their ambition or revenge. But they maintained the dignity and the authority of the Senatorial office. Each of these stars kept his own orbit and shone in his sphere, within which he tolerated no intrusion from the President, or from anybody else.

The reform of the civil service has doubtless shorn the office of Senator of a good deal of its power. I think President McKinley, doubtless with the best and purest intentions, did still more to curtail the dignity and authority of the office. I dare say the increase in the number of Senators has had also much to do with it. President McKinley, with his great wisdom and tact and his delightful individual quality, succeeded in establishing an influence over the members of the Senate not, I think, equalled from the beginning of the Government, except possibly by Andrew Jackson. And while the strong will of Jackson subjugated Senators, in many cases, as it did other men, yet it roused an antagonism not only in his political opponents, but in many important men of his own party, which would have overthrown him but for his very great popularity with the common people. President McKinley also made one serious mistake, of which indeed he did not set the example. Yet he made what was before but an individual and extraordinary instance, a practice. If that practice continue, it will go far, in my judgment, to destroy the independence and dignity of the Senate. That is, the appointment of members of the Senate to distinguished and lucrative places in the public service, in which they are to receive and obey the command of the Executive, and then come back to their seats to carry out as Senators a policy which they have adopted at the command of another power, without any opportunity of consultation with their associates, or of learning their associates' opinions.

The Constitution provides, Article I., Sec. 6,

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office."

It is, I suppose, beyond dispute that the intention of that provision was to protect the members of the Legislative branch of the Government from Executive influence. The legislator was not to be induced to create a civil office, or to increase its emoluments, at the request of the Executive, in the hope that he might be appointed. He was to preserve his independence of Executive influence, and to approach all questions in which he might have to deal with matters which concerned the Executive power, or Executive action, absolutely free from any bias.

This provision comes, with some modification, from the English Constitution. The fear of Executive influence was in that day constantly before the framers of the Constitution and the people who adopted it. Roger Sherman, in his correspondence with John Adams, says that he "esteems the provision made for appointment to office to be a matter of very great importance, on which the liberties and safety of the people depend nearly as much as on legislation."

"It was," he says, "a saying of one of the Kings of England that while the King could appoint the Bishops and Judges he might have what religion and laws he pleased."

I think that sooner or later some emphatic action will be taken, probably in the form of a declaratory resolution, which will put an end to this abuse. But there will always be found men in either branch who desire such honorable employment. They will be men of great influence. There are also frequently men of personal worth who always support whatever the President of the United States thinks fit to do, and trot or amble along in the procession which follows the Executive chariot. So, if any President shall hereafter repeat this attempt it will require a good deal of firmness to defeat it.

Senator Morgan of Alabama made a very bright comparison of the relation to the White House of some very worthy Senators to that of the bird in a cuckoo clock. He said that whenever the clock at the White House strikes the bird issues out of the door in the Senate Chamber, and says: "Cuckoo, Cuckoo," and that when the striking is over, he goes in again and shuts the door after him. He was speaking of Democratic Senators. But I am afraid my excellent Republican brethren can furnish quite as many instances of this servility as their opponents.

The President has repeatedly, within the last six years, appointed members of the Senate and the House to be Commissioners to negotiate and conclude, as far as can be done by diplomatic agencies, treaties and other arrangements with foreign Governments, of the gravest importance. These include the arrangement of a standard of value by International agreement; making a Treaty of Peace, at the end of the War with Spain; arranging a Treaty of Commerce between the United States and Great Britain; making a Treaty to settle the Behring Sea controversy; and now more lately to establish the

boundary line between Canada and Alaska.

President McKinley also appointed a Commission, including Senators and Representatives, to visit Hawaii, and to report upon the needs of legislation there. This last was as clearly the proper duty and function of a committee, to be appointed by one or the other branch of Congress, as anything that could be conceived.

The question has been raised whether these functions were offices, within the Constitutional sense. It was stoutly contended, and I believe held by nearly all the Republican Senators at the time when President Cleveland appointed Mr. Blount to visit Hawaii, and required that the diplomatic action of our Minister there should be subject to his approval, that he was appointing a diplomatic officer, and that he had no right so to commission Mr. Blount, without the advice and consent of the Senate. President McKinley seemed to accept this view when he sent in for confirmation the names of two Senators, who were appointed on the Commission to visit Hawaii. The Senate declined to take action upon these nominations. The very pertinent question was put by an eminent member of the Senate: If these gentlemen are to be officers, how can the President appoint them under the Constitution, the office being created during their term? Or, how can they hold office and still keep their seats in this body? If, on the other hand, they are not officers, under what Constitutional provision does the President ask the advice and consent of the Senate to their appointment?

But the suggestion that these gentlemen are not officers, seems to me the merest cavil. They exercise an authority, and are clothed with a dignity equal to that of the highest and most important diplomatic officer, and far superior to that of most of the civil officers of the country. To say that the President cannot appoint a Senator or Representative postmaster in a country village, where the perquisites do not amount to a hundred dollars a year, where perhaps no other person can be found to do the duties, because that would put an improper temptation in the way of the legislator to induce him to become the tool of the Executive will, and then permit the President to send him abroad; to enable him to maintain the distinction and enjoy the pleasure of a season at a foreign capital as the representative of the United States, with all his expenses paid, and a large compensation added, determined solely by the Executive will; and to hold that the framers of the Constitution would for a moment have tolerated that, seems to me utterly preposterous.

Beside, it places the Senator so selected in a position where he cannot properly perform his duties as a Senator. He is bound to meet his associates at the great National Council Board as an equal, to hear their reasons as well as to impart his own. How can he discharge that duty, if he had already not only formed an opinion, but acted upon the matter under the control and direction of another department of the Government?

The Senate was exceedingly sensitive about this question when it first arose. But the gentlemen selected by the Executive for these services were, in general, specially competent for the duty. Their associates were naturally quite unwilling to take any action that should seem to involve a reproof to them. The matter did not, however, pass without remonstrance. It was hoped that it would not be repeated. At the time of the appointment of the Silver Commission, I myself called attention to the matter in the Senate. Later, as I have said, the Senate declined to take action on the Commission appointed to visit Hawaii. But there was considerable discussion. Several bills and resolutions were introduced, which were intended to prohibit such appointments in the future. The matter was referred to the Committee on the Judiciary. It turned out that three members of that Committee had been appointed by President McKinley on the Canadian Committee. One of them, however, said he had accepted the appointment without due reflection, and he was quite satisfied that the practice was wrong. The Committee disliked exceedingly to make a report which might be construed as a censure of their associates. So I was instructed to call upon President McKinley and say to him in behalf of the Committee, that they hoped the practice would not be continued. That task I discharged. President McKinley said he was aware of the objections; that he had come to feel the evil very strongly; and while he did not say in terms that he would not make another appointment of the kind, he conveyed to me, as I am very sure he intended to do, the assurance that it would not occur again. He said, however, that it was not in general understood how few people there were in this country, out of the Senate and House of Representatives, qualified for important diplomatic service of that kind, especially when we had to contend with the trained diplomatists of Europe, who had studied such subjects all their lives. He told me some of the difficulties he had encountered in making selections of Ministers abroad, where important matters were to be dealt with, our diplomatic representatives having, as a rule, to be taken from entirely different pursuits and employments.

That Congress in the past has thought it best to extend rather than restrict this prohibition is shown by the statute which forbids, under a severe penalty, members of either House of Congress from representing the Government as counsel.

CHAPTER VI LEADERS OF THE SENATE IN 1877

As I just said, there was no man in the Senate when I entered it who equalled in renown either Webster, Clay or Calhoun, or wielded in the Senate an influence like that of Oliver Ellsworth. With at most but two or three exceptions, no one of them would be counted among the great men of the century in which he lived, or will be remembered long after his death. But the average excellence was high. It was a company of very wise men, fairly representing the best sentiment and aspiration of the Republic. The angers and influences of the Civil War had gradually cooled under the healing influence of Grant. The American people was ready to address itself bravely to the new conditions and new problems, or to old problems under new conditions.

I shall speak briefly here of some of the principal Senators who were there when I took my seat on March 4, 1877, or who came into the Senate shortly afterward during that Congress. Others I have mentioned in other places in this book.

William A. Wheeler, of New York, was Vice-President and President of the Senate. On the Republican side were: William B. Allison of Iowa, Henry B. Anthony and Ambrose E. Burnside of Rhode Island, James G. Blaine and Hannibal Hamlin of Maine, Blanche K. Bruce of Mississippi, Simon Cameron of Pennsylvania, Roscoe Conkling of New York, John A. Logan of Illinois, Henry L. Dawes of Massachusetts, George F. Edmunds and Justin S. Morrill of Vermont, Frederick T. Frelinghuysen of New Jersey, John J. Ingalls of Kansas, John P. Jones of Nevada, Stanley Matthews and John Sherman of Ohio, John H. Mitchell of Oregon, Oliver P. Morton of Indiana, Aaron A. Sargent of California, Henry M. Teller of Colorado, Bainbridge Wadleigh of New Hampshire and William Windom of Minnesota.

On the Democratic side were: Thomas F. Bayard and Eli Saulsbury of Delaware, James B. Beck of Kentucky, Francis M. Cockrell of Missouri, A. H. Garland of Arkansas, John B. Gordon of Georgia, L. Q. C. Lamar of Mississippi, Matt Ransom of North Carolina, Allen G. Thurman of Ohio, William P. Whyte of Maryland, M. C. Butler of South Carolina, William W. Eaton of Connecticut, James B. Eustis of Louisiana, Francis Kernan of New York, J. R. McPherson of New Jersey, and Daniel W. Voorhees of Indiana.

Henry B. Anthony was the senior member of the Senate when I entered it. When he died he had been a Senator longer than any other man in the country, except Mr. Benton. He had come to be the depository of its traditions, customs and unwritten rules. He was a man of spirit, giving and receiving blows on fit occasions, especially when anybody assailed Rhode Island. He had conducted for many years a powerful newspaper which had taken part in many conflicts. But he seemed somehow the intimate friend of every man in the Senate, on both sides. Every one of his colleagues poured out his heart to him. It seemed that no eulogy or funeral was complete unless Anthony had taken part in it, because he was reckoned the next friend of the man who was dead.

He was fully able to defend himself and his State and any cause which he espoused. No man would attack either with impunity under circumstances which called on him for reply, as he showed on some memorable occasions. But he was of a most gracious and sweet nature. He was a lover and maker of peace. When his own political associates put an indignity upon Charles Sumner, the great leader of emancipation in the Senate, which had been the scene of his illustrious service, no man regretted the occurrence more than Mr. Anthony.

And straight Patroclus rose,
The genial comrade, who, amid the strife
Of kings, and war of angry utterance,
Held even balance, to his outraged friend
Heart-true, yet ever strove with kindly words
To hush the jarring discord, urging peace.

Mr. Anthony was a learned man; learned in the history of the Senate and in parliamentary law; learned in the history of his country and of foreign countries; learned in the resources of a full, accurate and graceful scholarship. Since Sumner died I suppose no Senator can be compared with him in this respect. Some passages in an almost forgotten political satire show that he possessed a vein which, if he had cultivated it, might have placed him high in the roll of satiric poets. But he never launched a shaft that he might inflict a sting. His collection of memorial addresses is unsurpassed in its kind of literature. He was absolutely simple, modest, courteous and without pretence. He was content to do his share in accomplishing public results, and leave to others whatever of fame or glory might result from having accomplished them.

To be, and not to seem, was this man's wisdom.

The satire, of which I have just spoken, is almost forgotten. It is a poem called "The Dorriad," written at the time of the famous Dorr Rebellion. The notes, as in the case of the "Biglow Papers," are even funnier than the text. He gives an account of the Dorr War in two cantos, after the manner of Scott's "Marmion." He describes the chieftain addressing his troops on Arcote's Hill, the place where one Arcote, in former days, had been hung for sheep-stealing, and buried at the foot of the gallows.

The Governor saw with conscious pride,
The men who gathered at his side;
That bloody sword aloft the drew,
And "list, my trusty men," he cried—
"Here do I swear to stand by you,
As long as flows life's crimson tide;—
Nor will I ever yield, until
I leave my bones upon this hill."
His men received the gallant boast
With shouts that shook the rocks around.
But hark, a voice? old Arcote's ghost
Calls out, in anger, from the ground,
"If here your bones you mean to lay,
Then, damn it, I'll take mine away."

I do not know that I can give a fair and impartial estimate of Roscoe Conkling. I never had any personal difficulty with him. On the other hand, he was good enough to say of a speech which I made in the Presidential campaign of 1872, that it was the best speech made in the country that year. But I never had much personal intercourse with him, and formed an exceedingly unfavorable opinion of him. He was an able man, though not superior in ability to some of his associates. I do not think he was the equal in debate of Mr. Blaine, or of Carl Schurz, or, on financial questions with which the latter was familiar, of John Sherman. But he was undoubtedly a strong man. His speech nominating Grant at the National Convention of 1880 was one of very great power. But he was unfit to be the leader of a great party, and was sure, if he were trusted with power, to bring it to destruction. He was possessed of an inordinate vanity. He was unrelenting in his enmities, and at any time was willing to sacrifice to them his party and the interests of the country. He used to get angry with men simply because they voted against him on questions in which he took an interest. Once he would not speak to Justin S. Morrill, one of the wisest and kindest of men, for months, because of his anger at one of Morrill's votes. I suppose he defeated the Republican Party in New York when General John A. Dix was candidate for Governor. That opinion, however, depends chiefly on common rumor. Governor Boutwell, in this "Recollections," says that Mr. Conkling contributed secretly to the defeat of Mr. Blaine, although he had been willing to support Blaine four years before. He was one of the men whose counsel wrought grievous injury to Grant, and persuaded him to permit the foolish attempt to nominate him for a third term. The deserved respect which the American people had for Grant, and his great influence, would not induce them to bring Conkling and the men who were his associates again into power. I can hardly think of a man of high character in the Republican Party, except Grant, who retained Conkling's friendship. His resignation of the office of Senator showed how utterly lacking he was in sound political wisdom, or in lofty political morality. That a Senator of the United States should vacate his own office because he could not control Executive patronage was a proceeding not likely to be regarded with much respect by the American people. I suppose he expected that he would be returned by the New York Legislature, and that the scene of his coming back would be one of great dramatic effect.

The reason of his action was President Garfield's nomination of Judge Robertson, who had been his own earnest supporter for the Presidency, to the office of Collector of the port of New York. It happened in this way: General Garfield's nomination for the Presidency, of which I have told the story in another place, was brought about in part by the aid of some of the New York delegation, led by Judge Robertson, who had broken away from Conkling's leadership. He was of course angry. After Garfield's election, he demanded that no one of the New York opponents to Grant's nomination should be appointed to office by the incoming Administration. Garfield told me the whole story during the spring session of 1881. He had an interview with Conkling, I think by his own request, and endeavored to come to some understanding with him which would ensure harmony. He told Conkling that he desired to make one conspicuous appointment of a New York man who had supported him against President Grant, and that thereafter appointments should be made of fit men, without regard to the factional division of the party in New York, between his supporters and those of Grant, and that the Senators would in all cases be consulted. Conkling would not listen to the suggestion, and declared that he would not consent to the appointment of Judge Robertson to any important office in this country; that if the President chose to send him abroad, he would make no objection. President Garfield told me that Conkling's behavior in the interview was so insolent that it was difficult for him to control himself and

keep from ordering him out of his presence. Nothing could be more preposterous or insolent than the demand of a Senator from any State that a President just elected, who had received the support of the people of that State, should ostracize his own supporters. It would have been infamous for Garfield to yield to the demand.

I ought, in saying that there was no man of high integrity and great ability among the leaders of the Republican Party who retained Conkling's friendship, to have excepted Hamilton Fish. He was a man of great wisdom, who understood well the importance to the Republican Party of avoiding a breach with the powerful Senator from New York. But Conkling was jealous of all the other able men in the Republican Party in his own State. He could—

Bear, like the Turk, no brother near the throne.

The spirits of good and evil politics have striven with one another in New York from the beginning of her history as Jacob and Esau strove together in the womb. In general the former has prevailed in western New York and along the lakes. In the city of New York sometimes one has carried the day, and sometimes the other. When the bad element was in power, the noble State has reminded me of Tennyson's eagle caught by the talons in carrion, unable to fly or soar.

Oliver Wolcott, who had been one of Washington's Cabinet, afterward Governor of Connecticut, dwelt in New York for some time. He gives this account of New York politics.

"After living a dozen years in that State, I don't pretend to comprehend their politics. It is a labyrinth of wheels within wheels, and it is understood only by the managers. Why, these leaders of the opposite parties, who—in the papers and before the world—seem ready to tear each other's eyes out, will meet some rainy night in a dark entry, and agree, whichever way the election goes, they will share the spoils together!"

John G. Palfrey, in his wonderful "Papers on the Slave Power," was led by his natural impatience with the conduct of the great State, which seemed to him such an obstacle in the path of Liberty, to utter the following invective:

"Pour soulless giant, her honorable history is yet to begin. From her colonial times, when, patching up a dastardly truce, she helped the French and Indians down from the Berkshire hills against the shield which brave Massachusetts held over the New England settlements, through the time of her traitors of the Revolutionary age, down to the time of her Butlers and her Marcys, her Van Burens and Hoyts, poltroonery and corruption have with her ruled the hour. Nature has her freaks, and in one of them she gave a great man, John Jay, to New York. Hamilton was a waif from the West Indies on her spirit-barren strand, and Rufus King from Massachusetts. No doubt, among her millions, she has many wise and good, but the day when they begin to impress any fit influence of theirs upon her counsels, will open a new chapter in the annals of New York."

I am tempted to quote this powerful invective for its literary excellence, and not for its justice. The history of New York, on the whole, has been a noble history. It must be considered that any people that opens its hospitable door of welcome to all mankind, with the elective franchise, must itself, for a time, seem to suffer in the process, and must be strongly tempted to protect itself against evil government by getting control of the powers of Government by unjustifiable methods.

For many years a large majority of the people of the city of New York were of foreign birth or parentage. But how wonderfully most of these have grown in the elements of good citizenship, and of honorable manhood; and how wonderfully their sisters and daughters have grown in the elements of womanhood. Freedom is the best schoolteacher.

Sometimes a political leader in New York who had got power by forbidden ways, has used it for the good of the Republic. I suppose the worst examples of all low political leadership were the Pelhams, the Duke of Newcastle and his brother; yet without them, Lord Chatham's glorious career would have been unknown to the history of English liberty. Chatham used to say: "The Duke of Newcastle lends me his majority to carry on the Government."

Let me not be understood as meaning to compare Roscoe Conkling with such characters. He was fearless. He was a powerful debater. He never flinched in debate from the face of any antagonist. There was something almost sublime in his lofty disdain. He was on the side of the country in her hour of peril. I like Charles Sumner and John Jay and John Adams better. Neither of these men could have lived long on terms of friendship with Conkling. I do not think George Washington could have endured him. But let what was best in him, after all, be remembered, even if we do not forget his great faults.

I ought not, in speaking of the eminent Senators whom I have known, to omit Blanche K. Bruce of

Mississippi. Except Mr. Revels, from the same State, he is the only negro who ever sat in the Senate of the United States. He conducted himself with great propriety. He was always courteous and sensible. He had a clear understanding of great questions which came up, and was quite influential with his fellow Senators. When the Chinese matter was up, he stated in a few words that he could not, when he recalled the history of his own race, consent to vote for any measure which discriminated against any man by reason of his race or color. He left the Senate Chamber, I believe, with the entire respect of his associates on both sides. He was afterward Register of the Treasury. His speech and vote on the Chinese question were in contrast with those of Senator Jonas, of the neighboring State of Louisiana. In my speech in opposition to the Chinese bill, or that on the Chinese Treaty, I alluded at some length to the treatment of the Jews in the dark ages and down to a very recent time. Senator Jonas, who was a Jew, paid me some compliments about my speech. I said: "Why will you not remember the terrible history of the men of your own race and blood, and help me resist a like savage treatment of another race?" Mr. Jonas rejected the suggestion with a great emphasis, and said: "Mr. Hoar, the Jews are a superior race. They are not to be classed with the Chinese."

There were several negro Representatives from the South when I was in the House of Representatives. All of them behaved with great propriety. They were men who took care of themselves and the interests of their people in any debate. Mr. Rainey, of South Carolina, had a spirited tilt with S. S. Cox, one of the most brilliant of the Democratic leaders, in which he left Cox unhorsed and on his back in the arena. None of them ever said an indiscreet thing, no one of them ever lost his temper or gave any opportunity for an angry or intolerant or contemptuous reply.

Soon after Alexander Stephens, Vice-President of the Confederacy, came to the House, in the Congress of 1875-7, unanimous consent was asked that he might address the House at length, without being limited by the hour rule. Judge Hoar, then a member of the House, stipulated that Mr. Elliott, of South Carolina, should, if he liked, have leave to reply. This could not decently be refused, and that was granted also. Thereupon Stephens made a powerful speech, for which he had doubtless made most careful preparation. Robert B. Elliott then made, on the instant that Stephens got through, an admirable reply, of which it is great praise and still not saying too much that it deserves to rank with the speech of Mr. Stephens.

Elliott delivered an excellent eulogy on Charles Sumner, in Boston, which was published with those of Carl Schurz and George William Curtis, and was entirely worthy of the companionship.

Perhaps, on the whole, the ablest of the colored men who served with me in Congress, although each of the gentlemen I have named deserves high commendation, was John R. Lynch of Mississippi. I had a very pleasant acquaintance with him when he was in the House. He was afterward Fourth Auditor of the Treasury.

I was the means of procuring for him a national distinction which very much gratified the men of his color throughout the country. The supporters of Mr. Blaine in the National Convention of 1884 had a candidate of their own for temporary presiding officer. I think it was Mr. Clayton of Arkansas. It was desired to get a Southern man for that purpose. The opponents of Mr. Blaine also desired to have a candidate of their own from the South. The colored Southern men were generally Blaine men. I advised them to nominate Lynch, urging that it would be impossible for the Southern colored people, whatever their preference might be as a candidate for the Presidency, to vote against one of their own color. Lynch was nominated by Henry Cabot Lodge, afterward my colleague in the Senate, and seconded by Theodore Roosevelt and by George William Curtis. Lynch presided over the Convention during the whole of the first day, and a part of the second. He made an admirable presiding officer.

Quite curiously, I have had something to do with introducing a little more liberal practice in this respect into the policy of the country.

I was the first person who ever invited a colored man to take the Chair in the Senate. I happened to be put in the Chair one afternoon when Vice-President Wheeler was away. I spied Mr. Bruce in his seat, and it occurred to me that it would be a good thing to invite him to take my place, which he did.

When I was presiding over the National Convention of 1880, one of the English Royal Princes, Prince Leopold, Duke of Albany, son of Victoria, visited the Convention. He was brought up and introduced to me. I suppose that was one of the very rare instances in which a scion of the English Royal House was presented to anybody, instead of having the person presented to him. Wishing to converse with the Prince, I called Mr. Bruce to the Chair. I thought it would be an excellent opportunity to confer an honor upon a worthy colored man in the presence of a representative of this Royal House. Frederick Douglass afterward called on me with a delegation of colored men, and presented me with a letter signed by prominent colored men of the country, thanking me for this act.

It also was my fortune to secure the selection, on my recommendation, of the first colored man ever

appointed to the Railway Mail Service. This was soon after I entered the House of Representatives in 1869.

Perhaps I may as well add in this connection that I believed I recommended the first married woman ever appointed postmaster in this country, shortly after I entered the House.

When Colonel Chenoweth, who had been on General Grant's staff, a most brilliant and able officer of the War, died in office as Consul at Canton, China, to which he was appointed by President Grant, I urged very strongly upon Grant the appointment of the widow to the place. She had, during her husband's illness, performed a great part of the duties very well, and to the great satisfaction of the merchants doing business there. I told General Grant the story. He said he would make the appointment—to use his own phrase—if Fish would let him. But Mr. Fish was inexorable. He thought it would be a very undignified proceeding. He also urged, with great reason, that a Consul had to hold court for the trial of some grave offences, committed often by very bad characters, and that it was out of the question that a delicate lady should be expected to know or to have anything to do with them. So the proposal fell through.

Daniel W. Voorhees of Indiana served in the House with me. I had with him there one very angry conflict. But it did not interrupt our friendly relations. He was a man of a good deal of eloquence, very popular in his own State, and said to have been a very successful and able lawyer, especially in arguing cases to juries. His political speeches in the Senate were carefully prepared, very able statements of his side, and very severe denunciations of his antagonists. But he was a very kind-hearted man indeed, always willing to do a kindness to any of his associates, or to any person in trouble. If he could not be relied on to protect the Treasury against claims of doubtful validity, when they were urged by persons in need, or who in any way excited his sympathy, it ought to be said in defence of him, that he would have been quite as willing to relieve them to the extent of his power from his private resources.

Bainbridge Wadleigh of New Hampshire succeeded to the Chairmanship of the Committee on Privileges and Elections after Mr. Morton's death in the summer of 1869. He was a modest, quiet and unpretending man, of stainless integrity, of great industry in dealing with any matter for which he had direct responsibility, and of great wisdom and practical sense. I formed a very pleasant friendship with him, and regretted it exceedingly when he left the Senate, after serving a single term. There was at the time a very bad practice in New Hampshire of frequently changing her Senators. So few of the very able men who have represented her in the Senate for the last fifty years have made the impression upon the public service, or gained the fame to which their ability would have entitled them, if they had had longer service. Mr. Wadleigh was an excellent lawyer, and the Senate gave him its confidence in all matters with which his important Committee had to deal.

David Davis of Illinois was a very interesting character. He had been a successful lawyer, an eminent Judge in his State, and a very admirable Judge of the Supreme Court of the United States, to which office he was appointed by Abraham Lincoln.

He entered the Senate when I did, and served one term of six years. His service in the Senate did not add at all to his distinction. The one thing he had done in life of which he was very proud and which was of most importance, was bringing about the nomination of Abraham Lincoln at Chicago. Of that he liked to discourse whenever he could get a listener, and his discourses were always so entertaining that everybody listened who could.

David Davis thought that but for him Lincoln would not have been nominated. I have little doubt that he was right. He had many able and bright men to help him. But he was the leader, director and counsellor of all the forces. He threw himself into it with all the zeal of a man fighting for his life. He made pledges right and left, seeming to discover every man's weak point, and used entreaty, flattery and promises without stint, and, if he were himself to be believed, without much scruple. When somebody said to him in my hearing, "You must have used a good deal of diplomacy, Judge, at that Convention." "Diplomacy," replied Davis, "My dear man, I lied like the devil." He had that sense of humor peculiar to Americans, which likes to state in an exaggerated way things that are calculated to shock the listener, which our English and German brethren cannot comprehend. So I do not think this statement of Davis's is to be taken without many grains of salt. I suppose he thought the man to whom he said it would not take it too literally.

Judge Davis was a man of very warm sympathy. He liked to give accounts of cases he had tried, sitting in equity, or I think sometimes in divorce cases, where he had invented a curious rule of law, or

had stretched his discretion, to save some poor widow, or wronged wife, or suffering orphan, a share of an estate to which their legal title was in considerable doubt. If he were led by his sympathies ever to be an unjust Judge, at least the poor widow had no need to worry him by her importunities. He avenged her speedily the first time.

He was a Republican before and during the War, and a steadfast supporter of Lincoln's policies. His opinion had been in general in support of the liberal construction of the Constitution, under which the National powers had been exerted to put down the Rebellion.

He was elected to the Senate after resigning his place on the Supreme Court Bench, by a union of Democrats of the Illinois Legislature with a few discontented Republicans, defeating Logan. When he came to the Senate he preserved his position as an Independent. He did not go into the caucuses of either party. He had no sympathy with the more radical element among the Democrats. Yet he liked to be considered a special representative of the Labor Party in the country. I think he hoped that there might be a union or coalition of the Democrats and Labor men in the Presidential election of 1880, and that in that way he would be elected President.

His seat was on the Republican side. When there was a division, if he voted with the Republicans, he sat in his seat, or rose in his seat if there was a rising vote; but when, as not unfrequently happened, he voted with the Democrats, he always left his seat and went over to the Democratic side of the Chamber, and stood there until his name was called, or his vote counted. As he passed Conkling one day in one of these movings, Conkling called out, "Davis, do you get travel for all these journeys?"

When the Senate came together in special session, on Monday, October 10, 1881, it was found that the Democrats had a majority of two. One Senator only was present from Rhode Island, one only from Nevada, and the two newly elected Senators from New York had not been admitted to their seats. A motion of Mr. Edmunds that the oath prescribed by law be administered to the Senators from New York was laid on the table. On that vote the Democrats had a majority of two, Mr. Davis voting with the Republicans. On a resolution that Thomas F. Bayard, a Senator from Delaware, be chosen President pro tempore, Mr. Edmunds moved an amendment by striking it all out and inserting a resolution that the oath of office be administered to Mr. Miller and Mr. Lapham of New York, and Mr. Aldrich of Rhode Island, by Mr. Henry B. Anthony the senior Senator of the Senate. That resolution was lost by a vote of thirty-four to thirty-three, Mr. Davis voting with the Republicans. Mr. Edmunds then moved to add to the resolution declaring Mr. Bayard President pro tempore, the words "for this day." That was lost by one vote, Mr. Davis voting with the Republicans. After several other unsuccessful attempts, Mr. Bayard was chosen President pro tempore, the resolution being carried by a majority of two votes, Mr. Davis not voting. Thereupon Mr. Bayard accepted the office in a speech, brief, but which clearly implied an expectation on his part to continue in it for a considerable period of time.

The next day, being Tuesday, October 11, Mr. Aldrich of Rhode Island, Mr. Lapham and Mr. Miller of New York, were admitted to their seats. This left a majority of two for the Republicans, if Mr. Davis acted with them, and the two parties tied, if Mr. Davis acted with the Democrats.

The Democrats had succeeded in electing their President pro tempore, whom the Republicans could not displace, and there was left before the body a struggle for the organization of the Senate, including the executive officers and the Committees, in which no progress could be made without Mr. Davis's help.

That being the condition of things, the Republicans called a caucus, in which Senator Logan, Mr. Davis's colleague, appeared with a message from Mr. Davis. This substance of the message was that Mr. Davis thought that the Republicans ought to leave the organization, so far as the executive offices were concerned, in the hands of the Democrats, who had elected the existing officers during the previous Congress, and that the Committees should be appointed with Republican majorities. Mr. Logan further announced that if the Republicans should see fit to elect Mr. Davis President pro tempore, he would vote in accordance with that understanding. Mr. Ingalls of Kansas and I were quite unwilling to accede to this arrangement. But at that time the Committees lasted only for the session for which they were appointed. So the Senate could transact no business of importance, and the office of Secretary, and Sergeant-at-Arms, and Door-keeper, and all the important offices of the Senate would continue in Democratic hands. So, very reluctantly, we yielded to the desire of our associates. Whereupon a resolution was adopted continuing the standing Committees for the session as they had come over from the last session, and indeed from the session before, Mr. Davis voting with the Republicans. This vote was passed by a majority of two votes. General Logan then introduced the following resolution: That David Davis, a Senator from Illinois, is hereby chosen President pro tempore of the Senate. This was also passed by a majority of two votes, Mr. Davis and Mr. Bayard not voting. Mr. Bayard descended from the elevation he had occupied for so short a time, amid general laughter in which he good-naturedly joined, and Mr. Davis ascended the throne. He made a brief speech which

began with this sentence: "The honor just conferred upon me comes, as the seat in this body which I now hold did, without the least expectation on my part. If it carried any party obligation, I should be constrained to decline this high compliment. I do not accept it as a tribute to any personal merit, but rather as a recognition of the independent position which I have long occupied in the politics of the country."

So, it was Mr. Davis's fortune to hold in his hands the determination between the two parties of the political power of the country, on two very grave occasions. But for his choice as Senator from Illinois, he would have been on the Electoral Commission. I do not think, in so important a matter, that he would have impaired his great judicial fame by dissenting from the opinion which prevailed. But if he had, he would have given the Presidency to Mr. Tilden. And again, but for the arrangement by which he was elected to the Presidency of the Senate, the Republicans would not have gained control, so far as it depended on the Committees.

He did not make a very good presiding officer. He never called anybody to order. He was not informed as to parliamentary law, or as to the rules of the Senate. He had a familiar and colloquial fashion, if any Senator questioned his ruling, of saying, "But, my dear sir"; or, "But, pray consider." He was very irreverently called by somebody, during a rather disorderly scene in the Senate, where he lost control of the reins, the "Anarch old."

But, after all, the office of presiding over the Senate is commonly not of very great consequence. It is quite important that the President of the Senate should be a pleasant-natured gentleman, and the gentleman in the Senator will almost always respond to the gentleman in the Chair. Senators do not submit easily to any vigorous exercise of authority. Vice-Presidents Wheeler, Morton and Stevenson, and more lately, Mr. Frye, asserted their authority with as little show of force as if they were presiding over a company of guests at their own table. But the order and dignity of the body have been preserved.

Mr. Davis's fame must rest on his long and faithful and able service as a wise, conscientious and learned Judge. In writing these recollections, I have dwelt altogether too much on little foibles and weaknesses, which seem to have something amusing in them, and too little, I am afraid, on the greater qualities of the men with whom I have served. This is perhaps true as to David Davis. But I have said very much what I should have said to him, if I had been chatting with him, as I very frequently did, in the cloak room of the Senate.

He was a man of enormous bulk. No common arm chair would hold him. There is a huge chair, said to have been made for Dixon H. Lewis of Alabama, long before the Civil War, which was brought up from the basement of the Capitol for his use. The newspaper correspondents used to say that he had to be surveyed for a new pair of trousers.

I was one night in the Chair of the Senate when the session lasted to near three o'clock in the morning. It was on the occasion of the passage of the bill for purchasing silver. The night was very dark and stormy and the rain came down in torrents. Just before I put the final question I sent a page for my coat and hat, and, as soon as I declared the Senate adjourned, started for the outer door. There were very few carriages in waiting. I secured one of them and then invited Davis and his secretary and another Senator, when they came along, to get in with me. When we stopped to leave Judge Davis at the National Hotel, where he lived, it was found impossible to get the door of the hack open. His great weight pressed it down, so that the door was held tight as in a vise. The hackman and the porters pulled on the outside, and the passengers pushed and struggled from within; but in vain. After fifteen or twenty minutes, it occurred to some one that we within should all squeeze ourselves over to one side of the carriage, and those outside use their whole strength on the opposite door. This was successful. We escaped from our prison. As Davis marched into the hotel the hackman exclaimed, as he stared after him: "By God, I should think you was eight men."

Eli Saulsbury of Delaware was a very worthy Southern gentleman of the old school, of great courage, ability and readiness in debate, absolutely devoted to the doctrines of the Democratic Party, and possessed of a very high opinion of himself. I knew him very intimately. He was Chairman of the Committee on Privileges and Elections, and was a member of it when I was Chairman. We went to New Orleans together to make what was called the Copiah investigation. We used to be fond of talking with each other. He always had a fund of pleasant anecdotes of old times in the South. He liked to set forth his own virtues and proclaim the lofty morality of his own principles of conduct, a habit which he may have got from his eminent colleague, Senator Bayard, who sometimes announced a familiar moral principle as if it were something the people who listened to him were hearing for the first time, and of which he in his youth had been the original discoverer. I once told Saulsbury, when he was discoursing in that way, that he must be descended from Adam by some wife he had before Eve, who had nothing to do with the fall. He was fond of violently denouncing the wicked Republicans on the floor of the Senate,

and in Committee. But his bark was worse than his bite.

When the Kellogg case was investigated by the Committee on Privileges and Elections, when I first entered the Senate, Mr. Saulsbury rose in the first meeting of the Committee and proceeded to denounce his Republican associates. He declared they came there with their minds made up on the case, a condition of mind which was absolutely unfit for a grave judicial office, in the discharge of which all party considerations and preconceived opinions should be banished. He said we should have open minds to hear the arguments and the evidence to be introduced, as if it were a solemn trial in a court of justice. When he was in the midst of a very eloquent and violent philippic, the Chairman of the Committee, Bainbridge Wadleigh, said quietly, "Brother Saulsbury, haven't you made up your mind?" Mr. Saulsbury stopped a moment, said, "Yes, I have made up my mind," broke into a roar of laughter, and sat down.

He was a confirmed and incorrigible bachelor. There was in New Orleans, when we were there, a restaurant famous all over the country, kept by a very accomplished widow. The members of the Committee thought it would be a good thing if we could have such a restaurant as that in Washington. We passed a unanimous vote requesting Mr. Saulsbury to marry the widow, and bring her to Washington, as a matter of public duty. He took the plan into consideration, but nothing came of it. Some mischievous newspaper correspondent circulated a report, which went through the country, that Mr. Saulsbury was very much in love with a lady in Washington, also a charming widow. It was said that he visited her every evening; that she had a rare gift of making rum punch; that she always gave him a glass, and that afterward, although he was exceedingly temperate in such things, he fell on his knees, offered himself to the widow, and was refused; and that this ceremony had been repeated nightly for many years. I once mentioned this story to him, and he didn't deny it. But, on the other hand, he didn't admit it.

When he was chosen to the Senate he had two brothers who competed with him for the office. One of them was then Senator. The Senate had a good deal of difficulty in getting through its business before the 4th of March, when the new Administration came in, and the term of the elder Mr. Saulsbury ended. There had been an all-night session, so some of the Senators had got worn out and overcome by the loss of sleep. Just before twelve o'clock at noon Senator Willard Saulsbury put his head down on this desk and fell asleep. The Senate was called to order again for the new session, the roll called, and Mr. Saulsbury's brother Eli had been sworn in. Willard waked up, rose, and addressed the Chair. The presiding officer quietly replied: "The gentleman from Delaware is no longer a member of the Senate." Whereupon he quietly withdrew.

Matthew C. Butler of South Carolina was another Southern Democrat, fiery in temper, impatient of control or opposition, ready to do battle if anybody attacked the South, but carrying anger as the flint bears fire. He was zealous for the honor of the country, and never sacrificed the interest of the country to party or sectional feeling. He was quite unpopular with the people of the North when he entered the Senate, partly from the fact that some of his kindred had been zealous Southern champions before the War, at the time of some very bitter sectional strifes, and because he was charged with having been the leader and counsellor in some violent and unlawful conduct toward the colored people after the War. I have not investigated the matter. But I believe the responsibility for a good deal of what was ascribed to him belonged to another person of the same name. But the Republicans of the Senate came to esteem and value Senator Butler very highly. He deserves great credit, among other things, for his hearty and effective support of the policy of enlarging the Navy, which, when he came into public life, was feeble in strength and antiquated in construction. With his departure from the Senate, and that of his colleague, General Wade Hampton, ended the power in South Carolina of the old gentry who, in spite of some grave faults, had given to that State an honorable and glorious career. When the Spanish War broke out, General Butler was prompt to offer his services, although he had lost a leg in the Civil War.

James B. Beck came into the House of Representatives when I did, in 1869. He served there for six years, was out of public life for two years, and in 1877 came to the Senate when I did.

I do not think any two men ever disliked each other more than we did for the first few years of our service. He hated with all the energy of his Scotch soul,—the *perfervidum ingenium Scotorum*,—everything I believed. He thought the New England Abolitionists had neither love of liberty nor care for the personal or political rights of the negro. Indeed he maintained that the forefathers of the New England abolitionists were guilty of bringing slavery into this continent. He hated the modern New England theological heresies with all the zeal of his Scotch Presbyterian forbears. He hated the Reconstruction policy, which he thought was inspired by a desire to put the white man in the place where the negro had been. He hated with all the energy of a free-trader the protection policy, which he deemed the most unscrupulous robbery on a huge scale. He considered the gold standard a sort of

power press with which the monopolists of the East were trying to squeeze the last drop of blood out of the farmers and workingmen of the South. He thought the public debt was held by men who had paid very little value for it, and who ought to be paid off in the same cheap money which was in vogue when it was originally incurred. He hated New England culture and refinement, which he deemed a very poor crop coming from a barren intellectual soil. He regarded me, I think, as the representative, in a humble way, of all these things, and esteemed me accordingly.

I was not behindhand with him, although I was not quite so frank, probably, in uttering my opinions in public debate. But I found out, after a little while, that the Northern men who got intimate with him on committees, or in private intercourse, found him one of the most delightful companions, fond of poetry, especially of Burns, full of marvellous stores of anecdotes, without any jot of personal malice, ready to do a kindness to any man, and easily touched by any manifestation of kindly feeling toward him, or toward his Southern neighbors and constituents. My colleague, Mr. Dawes, served with him on some of the great committees of the Senate and in the House, and they established a very close and intimate friendship. I came to know Mr. Beck later. But he had changed his feeling toward me, as I had toward him, long before either found out what the other was thinking about. So one day—it was the time of Mr. Dawes's last reelection to the Senate—he came over to my side of the Chamber, took my hand and said with great emotion: "I congratulate you on the reelection of Mr. Dawes. He is one of my dearest friends, and one of the best men I ever knew in my life." And then, as he turned away, he added: "Mr. Hoar, I have not known you as well. But I shall the same thing about you, when your reelection takes place."

He had a powerful and vigorous frame, and a powerful and vigorous understanding. It seemed as if neither could ever tire. He used to pour out his denunciation of the greed of the capitalists and monopolists and protectionists, with a fund of statistics which it seemed impossible for the industry of any man to have collected, and at a length which it would seem equally impossible for mortal man to endure. He was equally ready on all subjects. He performed with great fidelity the labor of a member of the Committee on Appropriations, first in the House, and afterward in the Senate. I was the author of a small jest, which half amused and half angered him. Somebody asked in my hearing how it was possible that Mr. Beck could make all those long speeches, in addition to his committee work, or get time for the research that was needed, and how it was ever possible for his mind to get any rest; to which I answered, that he rested his intellect while he was making his speeches. But this was a sorry jest, with very little foundation in fact. Anybody who undertook to debate with him, found him a tough customer. He knew the Bible—especially the Psalms of David—and the poems of Burns, by heart. When he died I think there was no other man left in the Senate, on either side, whose loss would have occasioned a more genuine and profound sorrow.

When I came into the Senate one of the most conspicuous characters in American public life was Oliver P. Morton of Indiana. He had been Governor of Indiana during the War. There was a large and powerful body of Copperheads among the Democrats in that State. They were very different from their brethren in the East. They were ugly, defiant and full of a dangerous activity. Few other men could have dealt with them with the vigor and success of Governor Morton. The State at its elections was divided into two hostile camps. If they did not resort to the weapons of war, they were filled with a hatred and bitterness which does not commonly possess military opponents. Gov. Morton, in spite of the great physical infirmity which came upon him before the War ended, held the State in its place in the Union with an iron hand. When he came to the Senate he found there no more powerful, brave or unyielding defender of liberty. He had little regard for Constitutional scruples. I do not think it should be said that he would willingly violate his oath to support the Constitution. But he believed that the Constitution should be interpreted in the light of the Declaration of Independence, so as to be the law of life to a great, powerful and free people. To this principle of interpretation, all strict or narrow criticism, founded on its literal meaning, must yield.

His public life was devoted to two supreme objects:

1. Preservation of the Constitutional authority of the Government.
2. The maintenance by that authority of the political and personal rights of all citizens, of all races and classes.

As I have said, he interpreted the Constitution in a manner which he thought would best promote these objects. He had little respect for subtleties or refinements or scruples that stood in the way.

He was for going straight to his object. When the Hayes and Tilden contest was up, he was for having the President of the United States put Hayes and Wheeler in power by using all the National forces, military and other, that might be needful. He was a member of the Committee that framed the bill for the Electoral Commission, but refused to give it his support.

I made a very pleasant acquaintance with him during the sessions of that Committee. I suppose it was due to his kindly influence that I was put upon the Committee of Privileges and Elections, of which he was Chairman, when I entered the Senate. But he died in the following summer, so I never had an opportunity to know him better. He was a great party leader. He had in this respect no superior in his time, save Lincoln alone.

It was never my good fortune to be intimate with Zachariah Chandler. But I had a good opportunity for observing him and knowing him well. I met him in 1854, at the Convention held in Buffalo to concert measures for protecting and promoting Free State immigration to Kansas. He was the leading spirit of that Convention, full of wisdom, energy and courage. He was then widely known throughout the country as an enterprising and successful man of business. When I went into the House of Representatives, in 1869, Mr. Chandler was already a veteran in public life. He had organized and led the political forces which overthrew Lewis Cass and the old Democratic Party, not only in Michigan but in the Northwest. He had been in the Senate twelve years. Those twelve years had been crowded with history. The close of the Administration of Buchanan, the disruption of the Democratic Party at Charleston, the election and inauguration of Lincoln, the putting down of the Rebellion, the organizing, directing and disbanding of great armies, the great amendments to the Constitution, and the contest with Andrew Johnson, had been accomplished. The reconstruction of the rebellious States, the payment of the public debt, keeping the national faith under great temptation, reconciliation and the processes of legislation and administration under the restraints which belonged to peace, were well under way. In all these Chandler bore a large part, and a part wise, honest, powerful and on the righteous side. I knew him afterward in the Department of the Interior. He was, in my judgment, the ablest administrative officer without an exception who has been in any executive department during my public life. His sturdy honesty, his sound, rapid, almost instinctive judgment, his tact, his business sense, his love of justice were felt in every fibre and branch of the great Interior Department, then including eight great bureaus each almost important enough to be a Department by itself.

The humblest clerk who complained of injustice was sure to be listened to by the head of that great Department, who, with his quick sympathy and sound judgment, would make it certain that right would be done.

Chandler has little respect for the refinements of speech or for literary polish. He could not endure Mr. Sumner's piling precedent upon precedent and quotation upon quotation, and disliked his lofty and somewhat pompous rhetoric. He used sometimes to leave his seat and make known his disgust in the cloak room, or in the rear of the desks, to visitors who happened to be in the Senate Chamber. But he was strong as a rock, true as steel, fearless and brave, honest and incorruptible. He had a vigorous good sense. He saw through all the foolish sophistries with which the defenders of fiat money, or debased currency, sought to defend their schemes. He had no mercy for treason or rebellion or secession. He was a native of New Hampshire. He had the opinions of New England, combined with the directness and sincerity and energy of the West. He had a very large influence in making the State of Michigan another New England.

He was a sincere, open-hearted, large-hearted and affectionate man. He was the last man in the world of whom it would be proper to speak as a member of an intrigue or cabal. His strategy was a straightforward, downright blow. His stroke was an Abdiel stroke,

This greeting on thy impious crest receive.

His eloquence was simple, rugged, direct, strong. He had but a scanty vocabulary. It contained no word for treason but "treason." He described a lie by a word of three letters. The character of his speech was that which Plutarch ascribes to Demosthenes. He was strongly stirred by simple and great emotions—love of country, love of freedom, love of justice, love of honesty. He hated cant and affectation.

I believe he was fond of some good literature, but he was very impatient of Mr. Sumner's load of ornament and quotation. He had little respect for fine phrases or for fine sentiment or the delicacies of a refined literature. He was rough and plain-spoken. I do not think he would ever have learned to care much for Tennyson or Browning. But the Psalms of David would have moved him.

I suppose he was not much of a civil service reformer. He expected to rule Michigan, and while he would have never bought or bribed an antagonist by giving him an office, he would have expected to fill the public offices, so far as he had his way, by men who were of his way of thinking. He was much shocked and disgusted when Judge Hoar wanted to inquire further concerning a man whom he had recommended for the office of Judge of the Circuit Court. The Judge said something about asking Reuben Rice, a friend he highly respected who had lived long in Michigan. Chandler spoke of it afterward and said: "When Jake Howard and I recommended a man, the Attorney-General wanted to

ask a little railroad fellow what he thought of him."

He joined with Conkling and Carpenter and Edmunds in their opposition to the confirmation of Judge Hoar. He came to know the Judge better afterward and declared that he himself had made a mistake.

He was a strong pillar of public faith, public liberty, and of the Union. He had great faults. But without the aid of the men whom he could influence and who honored him, and to whom his great faults were as great virtues, the Union never would have been saved, or slavery abolished, or the faith kept. I hold it one of the chief proofs of the kindness of divine Providence to the American people in a time of very great peril that their leaders were so different in character. They are all dead now—Sumner and Fessenden and Seward and Wilson and Chase and Stanton and Grant and Sherman and Sheridan and Chandler,—a circle in which Lincoln shines as a diamond in its setting. Not one of them could have been spared.

It is proper that I should add that I have known very well a good many of the most eminent citizens of Michigan. This list includes Governor and Senator Henry P. Baldwin, and Judge Christiancy, who displaced Chandler in the Senate. I have frequently heard them speak of Mr. Chandler. Without an exception I believe they held him in profound esteem and honor. They were proud of him as the most eminent citizen of their State which has been prolific of strong men, speaking of him as we do of Sumner or Webster.

Mr. Chandler was a remarkable example of what I have often noticed, how thoroughly the people come to know the true character of a public man, even when the press of the whole country unite to decry him. I suppose there was not a paper in New England, Republican or Democratic, that spoke kindly of Zach. Chandler for many years. He was disliked by the Democratic press for his unyielding Republicanism. He was disliked by the Republican press that supported Charles Sumner, for his opposition to him. He was represented as a coarse, ignorant and unscrupulous man. In the campaign of 1880 I sent him a telegram, asking him to visit me in Massachusetts and make a few speeches in our campaign. I added: "You will be received with unbounded respect and honor." The telegram was an astonishment and revelation to the old man. He had no idea that the people of New England had that opinion of him. Governor Baldwin told me that he happened to be passing Chandler's house just as he received my message. Chandler knocked on the window for the Governor to come in. He had the telegram in his hand when the Governor entered, and exclaimed: "Look at that; read that; and I did not graduate at Harvard College either." His colleague, Senator Ferry, alludes to his gratification at the receipt of this message, in his obituary delivered in the Senate. He spoke in Worcester and Boston and Lowell, and in one or two other places. His passage through the State was a triumphal march. He was received as I had predicted. In Worcester we had no hall large enough to hold the crowds that thronged to see him, and were compelled to have the meeting in the skating-rink. Chandler went back to Michigan full of satisfaction with his reception. I think he would have been among the most formidable candidates for the Presidency at the next election, but for his sudden death. If he had been nominated, he would undoubtedly have been elected. But, a short time after, he was one morning found dead in his bed at Chicago. In his death a great and salutary force was subtracted from the public life of the country, and especially from the public life of the great State to whose history he had contributed so large and noble a part.

I have found among some old notes a few sentences with which I presented him to a mighty audience in my own city:

"Worcester is here in person to-night to give a welcome from the heart of Massachusetts to the Senator of Michigan. If our guest had nothing of his own to recommend him, it would be enough to stir the blood of Massachusetts that he represents that honored State, another New England in her interests and in her opinions. With her vast forests, her people share with Maine, our own great frontier State, those vast lumber interests, for which it has been our own policy to demand protection. Daughter of three mighty lakes, she takes a large share in our vast inland commerce. Her people are brave, prosperous and free. They have iron in their soil, and iron in their blood. Great as is her wealth and her material interest, she shares with Massachusetts the honor of being among the foremost of American States in educational conditions. Massachusetts is proud to—

Claim kindred there, and have the claim allowed.

"But our guest brings to us more than a representative title to our regard. The memory of some of us goes back to the time when, all over the great free Northwest, the people seemed to have forgotten to what they owed their own prosperity. The Northwest had been the gift of Freedom to the Republic on her birthday. In each of her million homes dwells Liberty, a perpetual guest. But yet that people in Illinois and Michigan and Indiana and Ohio seemed for a time to have forgotten their own history, and to be unworthy of their fair and mighty heritage. They had been the trusted and sturdy allies of the slave power in the great contest for the possession of the vast territory between the Mississippi and the

Pacific. The old leaders, Douglas in Illinois and Cass in Michigan, who ruled those States with an almost despotic power, sought to win the favor of the South for their aspirations for the Presidency by espousing the doctrine of squatter sovereignty, under which the invaders from the slave States hard by, without even becoming residents in good faith, might fix forever the character of that fair domain. At that time a young knight, a figure of manly courage and manly strength, came forward to challenge General Cass to a struggle for the supremacy in Michigan. It was our guest of this evening. As you all know, the young champion vanquished the veteran warrior in a trial by battle for the freedom of the Continent. I met him at Buffalo in 1854, in the height of the conflict, at a gathering of a few gentlemen to concert measures for sustaining, aiding and arming the Free State immigrants in Kansas. He was the leader and the life of the company. Many of those immigrants had gone from Worcester County, where the Emigrants' Aid Society was first devised by Edward Hale and organized by Eli Thayer. I met him again when I went to Washington in 1869. I found him among the foremost of the leaders of the Senate. He had gone through the great period of the Civil War, and the period before the Civil War. He had stood by Lincoln in that time of trouble. He had stood firm as a rock for the financial integrity of the country. Afterward it was my good fortune to know a good deal of his administration of the great Department of the Interior. I have never known, or known of, a better administration of any Department from the beginning of the Government, than his of that great office, with its eight important bureaus.

"He brings to you to-night the news from Maine and the news from Ohio. He can tell you what the Republicans are thinking of and are doing all over the country, as they prepare themselves for the great contest beginning this year, to end, as we hope and believe, with a great Republican victory in 1880."

John James Ingalls was in many respects one of the brightest intellects I ever knew. He was graduated at Williams in 1855. One of the few things, I don't know but I might say the only thing, for which he seemed to have any reverence was the character of Mark Hopkins. He was a very conspicuous figure in the debates in the Senate. He had an excellent English style, always impressive, often on fit occasions rising to great stateliness and beauty. He was for a good while President pro tempore of the Senate, and was the best presiding officer I have ever known there for conducting ordinary business. He maintained in the chair always his stately dignity of bearing and speech. The formal phrases with which he declared the action of the Senate, or stated questions for its decision, seemed to be a fitting part of some stately ceremonial. He did not care much about the principles of parliamentary law, and had never been a very thorough student of the rules. So his decisions did not have the same authority as those of Mr. Wheeler or Mr. Edmunds or Mr. Hamlin.

I said to him one day, "I think you are the best presiding officer I ever knew. But I do not think you know much about parliamentary law." To which he replied: "I think the sting is bigger than the bee."

He never lost an opportunity to indulge his gift of caustic wit, no matter at whose expense. When the morning hour was devoted to acting upon the reports of committees in cases of private claims, or pensions, he used to look over, the night before, the reports which were likely to be on the next day's calendar. When a bill was reached he would get up and make a pretty sharp attack on the measure, full of wit and satire. He generally knew very little about it. When he got through his speech he would disappear into the cloak room and leave the Senator who had reported the bill, and had expected to get it through without any difficulty—the case being very often absolutely clear and just—to spend his time in an elaborate and indignant explanation.

Mr. Ingalls disliked very much the scrupulous administrations of Hayes and Harrison. He yielded to the craze for free silver which swept over parts of the West, and in so doing lost the confidence of the people to whose momentary impulse he had given way. If he had stood stanchly on the New England doctrines and principles in which he was educated, and which I think he believed in his heart, he would have kept his State on the right side. Shortly before the campaign in which he was defeated for Senator, he said in the cloak room, in my hearing, that he did not propose to be a martyr. He was the author of a beautiful poem, entitled "Opportunity," which I think should accompany this imperfect sketch.

OPPORTUNITY

Master of human destinies am I!
Fame, love and fortune on my footsteps wait,
Cities and fields I walk; I penetrate
Deserts and seas remote, and passing by
Hovel and mart and palace—soon or late
I knock unbidden once at every gate!

If sleeping, wake—if feasting, rise before
I turn away. It is the hour of fate,
And they who follow me reach every state
Mortals desire, and conquer every foe
Save death; but those who doubt or hesitate,
Condemned to failure, penury and woe,
Seek me in vain and uselessly implore.
I answer not, and I return no more!

Ingalls was a native of Haverhill, Massachusetts. Somewhere about 1880, being in Boston, he gave an interview to one of the papers in which he commented very severely on the want of able leadership in the Republican Party in Massachusetts. I suppose the criticism was directed at me, although he did not mention my name. In 1880 Massachusetts gave a Republican majority of 48,697, and Kansas a Republican majority of 41,897. Mr. Ingalls's leadership in Kansas had been manifested very largely in the control of official patronage. He said in the Senate that he and his colleague sought to get rid of all Democrats in office in Kansas as with a fine-toothed comb.

So far as I had been concerned, and so far as the Republican leaders in Massachusetts had been concerned, with the exception of General Butler, a different policy had been adopted. We had never attempted to make a political instrument of official patronage. There had never been anything like a "boss" or a machine. Our State politics had been conducted, and our candidates for office nominated, after the old fashion of a New England town meeting. When an election approached, or when a great measure or political question was to be decided, men who were influential consulted together informally, ascertained the public sentiment, deferred to it, if it seemed to be right, and did what they could to persuade it and guide it by speech and discussion in the press, if it needed guidance, and trusted, hardly ever in vain, to the intelligence of the people for the result. I do not know but the diminution of the comparative importance of the towns, and the change of the Commonwealth and cluster of cities and manufacturing villages, and the influx of other elements than that of the old New England stock may not bring about, or if indeed it is not already bringing about, a different conduct of affairs. But I have never adopted any other method, and I have never desired that my public life or influence should survive the introduction of any other method in Massachusetts. Mr. Ingalls's methods and mine have been tested by their results. The people of Kansas are largely of Massachusetts origin. I believe if her leading men had pursued Massachusetts methods she would to a great extent have repeated Massachusetts history. Our method of political management and control has been vindicated by the fact that the Commonwealth has been kept true to its ancient faith, except in a very few years when accidental causes have caused the election of a Democratic Governor. Those elections were protests against an attempt to depart from the old-fashioned method of ascertaining the will of the people in selecting Republican candidates. Massachusetts has kept the succession of United States Senators unbroken, and has had a Republican delegation in the House ever since the party came into power, with two exceptions. She has in general maintained her great Republican majority. On the other hand Kansas has been represented in turn by Democrats and Populists and Socialists and the advocates of fiat money and free silver.

Senator Cockrell of Missouri entered the Senate two years before I did, and has been there ever since. He is a man of great sincerity and integrity, of great influence with his own party, and highly esteemed by his Republican associates. He can generally be depended upon for a fair vote, certainly always for an honest and incorruptible vote, and to do full justice to a political opponent. He used for many years to prepare one speech, in each session, in which he went over the political issues of the two parties in a violent and extreme fashion. He would give us the whole history of the year and point out the imperfections and weakness and atrocity of the party in power in a most unsparing fashion. This speech he would frank home to Missouri. He seemed to think his duty as a Democratic politician was done, and he would betake himself to statesmanship the rest of the year. I think he has of late discontinued that practice. I do not want what I have said to be taken too seriously. There is scarcely a member of either side in either House who would be more missed from the public service, if anything were to happen to him, than Mr. Cockrell, nor for whom all men have a kindlier and more affectionate regard. Like Mr. Allison, he knows the mechanism of administration and legislation through and through. He would be entirely competent to fill a chair of public administration in any college, if, as I hope may be done, such chairs shall be established.

When Justin Morrill died, not only a great figure left the Senate Chamber—the image of the ancient virtue of New England— but an era in our national history came to an end. He knew in his youth the veterans of the Revolution and the generation who declared independence and framed the Constitution, as the young men who are coming to manhood to-day know the veterans who won our victories and the statesmen who conducted our policy in the Civil War. He knew the whole history of his country from

the time of her independence, partly from the lips of those who had shaped it, partly because of the large share he had in it himself. When he was born Washington had been dead but ten years. He was sixteen years old when Jefferson and Adams died. He was twenty-two years old when Charles Carroll died. He was born at the beginning of the second year of Madison's Presidency, and was a man of twenty-six when Madison died. In his youth and early manhood the manners of Ethan Allen's time still prevailed in Vermont, and Allen's companions and comrades could be found in every village. He was old enough to feel in his boyish soul something of the thrill of our great naval victories, and of the victory at New Orleans in our last war with England, and, perhaps, to understand something of the significance of the treaty of peace of 1815. He knew many of the fathers of the country as we knew him. In his lifetime the country grew from seventeen hundred thousand to thirty-six hundred thousand square miles, from seventeen States to forty-five States, from four million people to seventy-five million. To the America into which he was born seventeen new Americas had been added before he died.

A great and healthful and beneficent power departed from our country's life. If he had not lived, the history of the country would have been different in some very important particulars; and it is not unlikely that his death changed the result in some matters of great pith and moment, which are to affect profoundly the history of the country in the future. The longer I live, the more carefully I study the former times or observe my own time, the more I am impressed with the sensitiveness of every people, however great or however free, to an individual touch, to the influence of a personal force. There is no such thing as a blind fate; no such thing as an overwhelming and pitiless destiny. The Providence that governs this world leaves nations as He leaves men, to work out their own destiny, their own fate, in freedom, as they obey or disobey His will.

Man is his own star; and the soul that can
Render an honest and a perfect man
Commands all life, all influence, all fate;
Nothing to him falls early or too late.
Our acts our angels are, or good or ill;
Our fatal shadows that walk by us still.

It is wonderful what things this man accomplished alone, what things he helped others to accomplish, what things were accomplished by the political organization of which he was a leader, which he bore a very large part in accomplishing.

Mr. Morrill's public life was coincident with the advent of the Republican Party to National power. His first important vote in the House of Representatives helped to elect Mr. Banks to the office of Speaker, the first National victory of a party organized to prevent the extension of slavery. From that moment, for nearly half a century, Vermont spoke through him in our National Council, until, one after another, almost every great question affecting the public welfare has been decided in accordance with her opinion.

It would be impossible, even by a most careful study of the history of the country for the last forty years, to determine with exactness what was due to Mr. Morrill's personal influence. Many of the great policies to which we owe the successful result of the Civil War—the abolition of slavery, the restoration of peace, the new and enlarged definition of citizenship, the restoration of order, the establishment of public credit, the homestead system, the foundation and admission of new States, the exaction of apology and reparation from Great Britain, the establishment of the doctrine of expatriation, the achievement of our manufacturing independence, the taking by the United States of its place as the foremost nation in the world in manufacture and in wealth, as it was already foremost in agriculture, the creation of our vast domestic commerce, the extension of our railroad system from one ocean to the other—were carried into effect by narrow majorities, and would have failed but for the wisest counsel. When all these matters were before Congress there may have been men more brilliant or more powerful in debate. But I can not think of any wiser in counsel than Mr. Morrill. Many of them must have been lost but for his powerful support. Many owed to him the shape they finally took.

But he has left many a personal monument in our legislation, in the glory of which no others can rightfully claim to rival him. To him is due the great tariff, that of 1861, which will always pass by his name, of which every protective tariff since has been but a modification and adjustment to conditions somewhat changed, conditions which in general, so far as they were favorable, were the result of that measure. To him is due the first antipolygamy bill, which inaugurated the policy under which, as we hope and believe, that great blot on our National life has been forever expunged. The public buildings which ornament Washington, the extension of the Capitol grounds, the great building where the State, War and Navy Departments have their home, the National Museum buildings, are the result of statutes of which he was the author and which he conducted from their introduction to their enactment. He was the leader, as Mr. Winthrop in his noble oration bears witness, of the action of Congress which resulted in the completion of the Washington Monument after so many years' delay. He conceived and

accomplished the idea of consecrating the beautiful chamber of the old House of Representatives as a Memorial Hall where should stand forever the statues of the great men of the States. So far, of late, as the prosperity and wise administration of the Smithsonian Institution has depended upon the action of Congress it has been due to him. Above all, the beautiful National Library building, unequalled among buildings of its class in the world, was in a large measure the result of his persistent effort and powerful influence, and stands as an enduring monument to his fame. There can be no more beautiful and enviable memorial to any man than a portrait upon the walls of a great college in the gallery where the figures and faces of its benefactors are collected. Mr. Morrill deserves this expression of honor and gratitude at the hands of at least one great institution of learning in every American State. To his wise foresight is due the ample endowment of Agricultural or Technical colleges in every State in the Union.

He came from a small State, thinly settled—from a frontier State. His advantages of education were those only which the public schools of the neighborhood afforded. All his life, with a brief interval, was spent in the same town, nine miles from any railroad, except when absent in the public service. But there was no touch of provincialism in him. Everything about him was broad, national, American. His intellect and soul, his conceptions of statesmanship and of duty expanded as the country grew and as the demands upon him increased. He was in every respect as competent to legislate for fifty States as for thirteen. He would have been as competent to legislate for an entire continent so long as that legislation were to be governed, restrained, inspired by the principles in which our Union is founded and the maxims of the men who builded it.

He was no dreamer, no idealist, no sentimentalist. He was practical, wise, prudent. In whatever assembly he was found he represented the solid sense of the meeting. But still he never departed from the loftiest ideals. On any question involving righteousness or freedom you would as soon have had doubt of George Washington's position as of his. He had no duplicity, no indirection, no diplomacy. He was frank, plain-spoken, simple-hearted. He had no faculty for swimming under water.

His armor was his honest thought
And simple truth his utmost skill.

The Apostle's counsel to his young disciple will serve for a lifelike portraiture of Justin Morrill:

"Be sober-minded:
"Speak thou the things which become sound doctrine:
"In all things showing thyself a pattern of good works:
in doctrine shewing uncorruptness, gravity, sincerity;
"Sound speech that can not be condemned; that he that is
of the contrary part may be ashamed, having no evil thing
to say of you."

If you wish to sum up the quality of Justin Morrill in a single word, mind, body, and soul, that word would be Health. He was thoroughly healthy, through and through, to the center of his brain, to his heart's core. Like all healthy souls, he was full of good cheer and sunshine, full of hope for the future, full of pleasant memories of the past. To him life was made up of cheerful yesterdays and confident to-morrows. But with all his friendliness and kindness, with all his great hold upon the love and respect of the people, with all his large circle of friends, with all his delight in companionship and agreeable converse, he dared to be alone. He found good society enough always, if no other were at hand, in himself. He was many times called upon to espouse unpopular causes and unpopular doctrines. From the time when in his youth he devoted himself to the anti-slavery cause, then odious in the nostrils of his countrymen, to the time when in the last days of his life he raised his brave voice against a policy upon which the majority of his political associates seemed bent, he never yielded the conclusions of his own judgment or the dictates of his own conscience to any majority, to any party dictation, or to any public clamor. When Freedom, Righteousness and Justice were on his side he considered himself in the majority. He was constant in his attendance on the worship of a small and unpopular religious denomination. He never lost his good nature, his courage, or his supreme confidence in the final triumph of truth.

Mr. Morrill was not a great political leader. Great political leaders are not often found in the Senate nowadays. He was contented to be responsible for one man; to cast his share of the vote of one State; to do his duty as he conceived it, and let other men do theirs as they saw it. But at least he was not a great political follower. He never committed himself to the popular currents, nor studied the vanes to see how the winds were blowing, nor sounded the depths and the shallows before he decided on his own course. There was no wire running to his seat from any centre of patronage or power. To use a felicitous phrase, I think of Senator Morgan of Alabama, he did not "come out of the door and cry 'Cuckoo!' when any clock struck elsewhere."

Mr. Morrill was a brave man—an independent man. He never flinched from uttering his thought. He

was never afraid to vote alone. He never troubled himself about majorities or administrations, still less about crowds or mobs or spasms of popular excitement. His standard of excellence was high. He was severe, almost austere, in his judgments of other men. And yet, with all this, everybody liked him. Everybody who came to know him well loved him. It seems strange that he never incurred enmities or provoked resentments. I suppose the reason is that he never had any controversy with anybody. He did not mingle in the discussion of the Senate as a debater. He uttered his opinion and gave his reasons as if he were uttering judgments. But he seldom or never undertook to reply to the men who differed from him, and he rarely, if ever, used the weapons of ridicule or sarcasm or invective, and he never grew impassioned or angry. He had, in a high degree, what Jeremy Taylor calls "the endearment of prudent and temperate speech."

He was one of the men that Washington would have loved and Washington would have leaned upon. Of course I do not compare my good friend with him to whom no man living or that ever lived on earth can be compared. And Mr. Morrill was never tried or tested by executive or by military responsibilities. But the qualities which belonged to Washington belonged to him—prudence, modesty, sound judgment, simplicity, absolute veracity, absolute integrity, disinterestedness, lofty patriotism. If he is not to be compared with Washington, he was at least worthy to be the countryman of Washington, and to hold a high place among the statesmen of the Republic which Washington founded.

Neither ambition nor hatred, nor the love of ease nor the greed of gain, nor the desire of popularity, nor the love of praise, nor the fear of unpopularity found a place in that simple and brave heart.

Like as a ship that through the ocean wide
By conduct of some star doth make her way—

no local attraction diverted the magnet in his soul, which ever pointed to the star of day.

As I just said, he was one of the men that Washington would have loved and that Washington would have leaned upon. If we do not speak of him as a man of genius, he had that absolute probity and that sound common sense which are safer and better guides than genius. These gifts are the highest ornaments of a noble and beautiful character; they are surer guides to success and loftier elements of true greatness than what is commonly called genius. It was well said by an early American author,* now too much neglected, that—

"There is no virtue without a characteristic beauty. To do what is right argues superior taste as well as morals; and those whose practice is evil feel and inferiority of intellectual power and enjoyment, even where they take no concern for a principle. Doing well has something more in it than the mere fulfilling of a duty. It is a cause of a just sense of elevation of character; it clears and strengthens the spirits; it gives higher reaches of thought. The world is sensible of these truths, let it act as it may. It is not because of his integrity alone that it relies on an honest man, but it has more confidence in his judgment and wise conduct, in the long run, than in the schemes of those of greater intellect who go at large without any landmarks of principle. So that virtue seems of a double nature, and to stand oftentimes in the place of what we call talent."

[Footnote]

* Richard H. Dana, the elder.

[End of Footnote]

He was spared the fate of so many of our great New England statesmen, that of closing his life in sorrow and in gloom. His last days were days of hope, not of despair. Sumner came to his seat in the Senate Chamber as to a solitude. When he was struck with death there was found upon his table a volume of Shakespeare with this passage, probably the last printed text on which his eyes ever gazed, marked with his own hand:

Would I were dead! if God's good will were so;
For what is in this world, but care and woe?

The last days of Samuel Adams were embittered by poverty, sickness, and the death of his only son.

Daniel Webster laid wearily down his august head in disappointment and sorrow, predicting with dying breath that the end had come to the great party to whose service his life was given.

When John Quincy Adams fell at his post in the House of Representatives a great newspaper declared that there could not be found in the country another bold enough or bad enough to take his place.

But Mr. Morrill's last days were filled with hope and not with despair. To him life was sweet and immortality assured. His soul took its flight

On wings that fear no glance of God's pure sight,
No tempest from his breath.

And so we leave him. His life went out with the century of which he saw almost the beginning. What the future may have in store for us we cannot tell. But we offer this man as an example of an American Senator and American citizen than which, so far, we have none better. Surely that life has been fortunate. He is buried where he was born. His honored grave is hard by the spot where his cradle was rocked. He sleeps where he wished to sleep, in the bosom of his beloved Vermont. No State ever mourned a nobler son; no son was ever mourned by a nobler State. He enjoyed to a ripe old age everything that can make life happy—honor, love, obedience, troops of friends,

The love of friends without a single foe,
Unequaled lot below.

He died at home. The desire of the wise man,

Let me die in my nest,

was fulfilled to him. His eyes in his old age looked undimmed upon the greatness and the glory of his country, in achieving which he had borne so large a part.

CHAPTER VII COMMITTEE SERVICE IN THE SENATE

I was appointed upon the Committee on Privileges and Elections, March 9, 1877, and have continued a member of it ever since.

I was appointed on the same day a member of the Committees on Claims, Indian Affairs and Agriculture. I made a special study in the vacation of 1877, expecting to master, as well as I could, the whole Indian question, so that my service on that Committee might be of some value. But I was removed from the Committee on Indian Affairs, by the Committee who made the appointments, in the following December. This was very fortunate, for the country and for the Indians. Mr. Dawes, my colleague, not long after was placed upon the Committee. He was a most intelligent, faithful and stanch friend of the Indians during the remainder of his lifetime. He was ready, at the Department and on the floor of the Senate, and wherever he could exert an influence to protect and baffle any attempt to wrong them. His quiet and unpretending service to this unfortunate and oppressed race entitles him to a very high place in the affectionate remembrance of his countrymen.

The Committee on Agriculture was then of little importance. I remained a member of it for a few years, and then gave it up for some service in which my constituents were more immediately interested.

In December, 1878, I was put on the Committee on Patents, and remained upon it for a little while. The Committee had to deal occasionally with special cases of applications for extension of patents by statute, which demanded a knowledge of the patent law, and industry and sound judgment on the part of the Senator to whom they were committed for report. But they were not of much public interest or importance.

In December, 1879, I was put on the Committee on the Revision of the Laws; in December, 1883, on the Joint Committee on the Library; in December, 1884, on the Committee of the Judiciary, of which I have been a member ever since; in December, 1888, on the Committee on Relations with Canada; in December, 1891, on the Committee on Woman Suffrage; in December, 1895, on the Committee on Rules.

I was on the Committee on Claims for ten years, from March 9, 1877, to March 4, 1887. It is impossible to establish by the record the part any man performs, who is a member of a deliberative body consisting of several persons, in influencing its decisions, or in establishing the principles on which they are based. But I believe I may fairly claim, and that I could cite my associates on the Committee to bear testimony, that I had a great deal to do, and much more than any other person, in settling the doctrines upon which the Senate acted in dealing with the great questions of the claims of individuals and States and corporate bodies growing out of the War. Upon the rules then established the Government claims amounting to hundreds upon hundreds of millions of dollars were decided. The victorious Republic dealt justly and generously with the vanquished and misguided men who had assailed it and sought its destruction.

The general doctrines by which Congress was governed were these:

1. No rightful claim accrued to anybody for the destruction or injury to property by military

movements, or operations, in a country which was the theatre of war.

2. A fair price was to be paid for supplies for the use of the Army in the field (1) to loyal persons, (2) to disloyal persons, if it were shown by a certificate of the officer who took them, or otherwise, that they were taken with the purpose of paying for them. Inhabitants of States in rebellion were presumed to be disloyal, unless their loyalty were shown affirmatively.

3. A like rule was followed in determining the questions of payment for the use of buildings, occupied as soldiers' quarters, or for other official purposes, by the Army, or injury to them caused by such occupation.

4. Property taken by the Army was paid for at its actual value to the Government, and not necessarily at its value to owner.

5. No claim accrued by reason of the destruction of property whether of loyal or disloyal persons, to prevent its falling into the hands of the enemy.

6. An exception to the principle above stated, founded not on any strict principle or established law or conduct of Governments, but on sound public policy, was adopted in the case of institutions of charity, education and religion.

I first affirmed that doctrine in the House of Representatives, in the case of the College of William and Mary of Virginia, against the almost unanimous opinion of my political associates. I thought that such a principle would be a great protection to such institutions in all future wars, that it would tend to heal the bitter recollections of the Civil War and the estrangements then existing between the sections of the country. I have lived to see the doctrine thoroughly established, the College of William and Mary rebuilt by the Government, and every church and school and hospital which suffered by the military operations of the Civil War reimbursed, if it has presented its claim.

If I have been able to render any public service, I look upon that I have rendered upon the Committee on Claims, although it has attracted but little attention, and is not of a nature to make great public impression, as perhaps more valuable than any other.

The duties of that Committee, when I was upon it, were very laborious. I find that in the first session of the first Congress, I made reports in seventeen cases, each of them involving a study of the evidence, a finding of the facts, and an investigation, statement and consideration of important principles of law, in most cases to be applied to a novel state of facts. I think that winter's work upon the Committee on Claims alone required more individual labor than that required to perform the duties of his office by any Judge of a State Court, of which I have any knowledge; and that the amount of money, and importance of the principles involved very far exceeded that involved in the aggregate of the cases in the Supreme Court of any State for a like period.

I was a member of the Committee on the Library for several years. For two or three years I was its acting Chairman during the summer, and in that capacity had to approve the accounts of the Congressional Library, and the National Botanic Garden.

To that Committee were referred applications for the erection of monuments and statues and similar works throughout the country, including the District of Columbia, and the purchase of works for art for the Government. They used to have a regular appropriation of fifteen thousand dollars annually, to be expended at their discretion, for works of art. That appropriation was stopped some years ago.

My service on that Committee brought me into very delightful relations with Mr. Sherman and Mr. Evarts. I introduced and got through a bill for a monument and statue to Lafayette and, as acting Chairman of the Library Committee was, with the Secretary of War and the Architect of the Capitol, a member of the Commission who selected the artists and contracted for the statue and monument. A resolution to build the monument passed the Continental Congress, but was not carried into effect by reason of the poverty of the Confederacy in that day. In Washington's first Administration somebody called attention to the fact that the monument had not been built, to which my grandfather, Roger Sherman, answered: "The vote is the monument." I was led by the anecdote to do what I could to have the long-neglected duty performed. The statue and monument, by two French artists of great genius, now stands at one corner of Lafayette Square. The statue of Rochambeau has just been placed at another corner of that square.

I was also fortunate enough, when I was on the Library Committee, to secure the purchase of the Franklin Papers for the Department of State. William Temple Franklin, the Doctor's son, died in London, leaving at his lodgings a mass of valuable correspondence of his father, and other papers illustrating his life, especially in France. They were discovered in the possession of the keeper of his lodgings, many years after, by Henry Stevens, the famous antiquary and dealer in rare books. Stevens

had got into difficulties about money, and had pledged the collection for about twenty-five thousand dollars. It had been offered to the Government. Several Secretaries of State, in succession, including Mr. Blaine, had urged Congress to buy it, but without avail.

One day Mr. Dwight, Librarian of the State Department, came to see me at the Capitol about some not very important matter. While I was talking with him, he said that the one thing he wished most was that Congress would buy the Franklin Papers. He added "I think if I were to die, the words 'Franklin Papers,' would be found engraved on my heart." I said I thought I could accomplish the purchase. So I introduced a resolution, had it referred to the Library Committee, and we had a hearing. It happened that Edward Everett Hale, who probably knew as much about the subject and the value of the papers as anybody, was then in Washington. At the same time John Russell Bartlett was here, who had charge of the famous Brown Collection in Rhode Island. They were both summoned before the Committee, and on their statement the Committee voted to recommend the passage of the resolution. It passed the Senate. The provision was then put upon the Sundry Civil Appropriation bill. With it, however, was a provision to buy the Rochambeau Papers, which had been sent to this country on the assurance of Mr. Sherman, who was Chairman of the Committee on the Library, that Congress would purchase them. There was also a provision for buying the papers of Vans Murray, Envoy to France in Napoleon's time; and for buying two other quite important manuscript collections. When the bill got to the House, all these things were stricken out. The Conference Committee had a great strife over them, the House refusing to put any of them in, and the Senate insisting upon all. At last they compromised, agreeing to take them alternately, including the first one, rejecting the second; including the third, rejecting the fourth, and so on. In this lottery the Franklin Papers were saved, and Mr. Sherman's Rochambeau Papers were stricken out, much to his disgust. But he got an appropriation for them in a subsequent Congress.

The Committee on Rules have the control of the Capitol, and the not very important power of assigning the rooms to the different Committees. Beyond that they have not, in general, much to do. There have been few important amendments to the rules in my time, of which I was the author of two.

One of them provides that an amendment to any bill may be laid on the table, on special motion, without carrying the bill itself with it. The motion to lay on the table not being debatable, this enables the Senate to dispose promptly of a good many propositions, which otherwise would consume a good deal of time in debate. There had been such a provision as to appropriation bills before. When I first suggested this change, Mr. Edmunds exclaimed in a loud whisper, "we won't do that." But I believe he approved it finally.

The other was an amendment relating to order in debate, made necessary by a very disagreeable occurrence, which ended in the exchange of blows in the Senate, by two Senators from the same State. I had long in mind to propose, when the occasion came, the last clause of this amendment. If Senators are to be considered to any degree as ambassadors of their States, it would seem proper that they should not be compelled to hear any reproachful language about the State they represent. Such attacks have given rise to a great deal of angry debate in both Houses of Congress.

The following is the amendment:

No Senator in debate shall directly or indirectly by any form of words impute to any Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

No Senator in debate shall refer offensively to any State of the Union.

I was also for several years a member of the Committee on Woman Suffrage. That Committee used to hear the advocates of Woman Suffrage who liked to have their arguments reported and sent through the mails as public documents under the franking privilege.

Although a very decided advocate of the extension of the right of suffrage to women, I have not thought that it was likely that that would be accomplished by an amendment to the National Constitution, or indeed that it was wise to attempt to do it in that way. The Constitution cannot be amended without the consent of three-fourths of the States. If a majority can be got in three-fourths of the States for such an amendment, their people would be undoubtedly ready to amend their State Constitutions by which, so far as each State is concerned, the object would be accomplished. So it seems hardly worth while to take the trouble of plying Congress with petitions or arguments.

But my longest service upon Committees has been upon the two great Law Committees of the Senate,—the Committee on Privileges and Elections, and the Committee on the Judiciary.

I have been a member of the Committee on Privileges and Elections since March 9, 1877. I was Chairman for more than ten years. I have been a member of the Committee on the Judiciary since December, 1884, and have been its Chairman since December, 1891, except for two years, from March

4, 1893, to March 4, 1895, when the Democrats held the Senate.

While I was Chairman it was of course my duty to represent and defend in debate the action of these Committees on all the important questions referred to them. I have also, by reason of my long service, now more than twenty-six years, on the Committee of Privileges and Elections, been expected to take part in the discussion of all the Election cases, and of all matters affecting the privileges and dignity of the Senate, and of individual Senators. The investigations into alleged outrages at the South, and wrongs connected with them, have been conducted by that Committee. So it has been my fortune to be prominent in nearly all of the matters that have come up in the Senate since I have been a member of it, which have excited angry sectional or political feeling. Matters of finance and revenue and protection, while deeply interesting the people, do not, in general, cause angry feeling on the part of the political leaders. To this remark, the state of mind of our friends, whom we are in the habit of calling Mugwumps, and who like to call themselves Independents, is an exception. They have commonly discussed the profoundest and subtlest questions with an angry and bitter personality which finds its parallel only in the theological treatises of the dark ages. It is lucky for some of us that they have not had the fires of Smithfield or of the Inquisition at their command.

So, at various times in my life, I have been the object of the most savage denunciation, sometimes from the Independent newspapers, sometimes from the Democratic newspapers, especially those in the South, and sometimes from the press of my own party whom I have offended by differing from a majority of my political friends.

But such things are not to be taken too seriously. I have found in general that the men who deliver themselves with most bitterness and fury on political questions are the men who change their minds most easily, and are in general the most placable, and not uncommonly are the most friendly and pleasant men in the world in private intercourse. I account it my great good fortune that, although I have never flinched from uttering whatever I thought, and acting according to my own conviction of public duty, that, as I am approaching four score years, I have, almost without an exception, the good will of my countrymen, certainly if I may trust what they tell me when I meet in private intercourse men from different parts of the country, or what they are saying of me just now in the press. But it is quite possible that I may say or do something before I get through which will change all that. So whether my sunset, which is to come very soon, is to be clear or under a cloud, it is impossible even to guess.

During this period I have taken a leading part in all questions affecting the security of the right of suffrage conferred by the Constitution of the United States on the colored people, of honesty in elections, of questions affecting disputed titles to seats in the Senate, and the extension of suffrage to women.

A very interesting question, now happily almost forgotten, came up at the December session of 1878, and was renewed at the following March session of 1879.

In 1878 the Democrats had a majority in the House of Representatives, while the Republicans had the Presidency and the Senate. In March, 1879, there was a Democratic majority in the Senate and in the House, but a Republican President. The Democratic Party chafed exceedingly under the National laws for securing the purity of elections and for securing impartial juries in the courts of the United States. In the December session of 1878, the House inserted a provision repealing these laws. They insisted, in conference, on keeping in this provision, and refused to consent to the passage of the Executive, Legislative and Judicial Appropriation Bill, unless the Senate and the President would yield to their demand. Mr. Beck of Kentucky, one of the conferrees on the part of the Senate, representing what was then the Democratic minority, but what became at the March session the majority, stated the doctrine of the House, as announced by their conferrees—adding that he agreed with it—that unless the States should be allowed to conduct their own elections in their own way, free from all Federal interference, they would refuse under their Constitutional right to make appropriations to carry on the Government.

This was in defiance of the express provision of the Constitution that Congress might at any time alter the regulations prescribed by the State Legislatures as to time, place and manner of holding elections for Senators and Representatives.

Mr. Beck declared that that course would be adopted and adhered to, no matter what came of the Appropriation Bills. He was followed by Mr. Thurman of Ohio, the leader of his party in the Senate, and Chairman of the Judiciary when it came into power. He said it was a question upon which he had thought long and deeply, one of the gravest which ever arose for the consideration of the American Congress, and added:

"We claim the right, which the House of Commons in England established after two centuries of contest, to say that we will not grant the money of the people unless there is a redress of grievances England was saved from despotism and an absolute monarchy by the exercise of the power of the

House of Commons to refuse supplies except upon conditions that grievances should be redressed It is a mistake to suppose that it was a fight simply between the Throne and the Commons; it was equally a fight between the Lords and the Commons; and the result of two centuries of contest in England was the rule that the House of Lords had no right to amend a Money Bill."

This startling proposition claimed that it was in the power of the House of Representatives to control the entire legislation of the country. It could, if the doctrine of Mr. Beck and Mr. Thurman had prevailed, impose any condition upon an appropriation for the Judges' salaries, for the salaries of all executive officers, for carrying on the courts, and for all other functions of the Government.

I made a careful study of this question and satisfied the Senate,—and I think I satisfied Mr. Beck and Mr. Thurman,—that the doctrine had no support in this country, and had no support even in England. An examination of Parliamentary history, which I studied carefully, afforded the material for giving a narrative of every occasion when the Commons exerted their power of withholding supplies as a means of compelling a redress of grievances, from the Conquest to the present hour. I did not undertake in a speech in the Senate to recite the authorities in full. But I summed up the result of the English and American doctrine in a few sentences, which may be worth recording here.

"First. The Commons never withheld the supplies as a means of coercing the assent of the Crown or the Lords to *legislation*.

"Second. The supplies withheld were not the supplies needed for the ordinary functions of government, to which the ordinary revenues of the Crown were sufficient, but were for extraordinary occasions, as to pay the King's debts, or to conduct foreign wars.

"Third. That when the hereditary revenues of the Crown, or those settled on the King for life at the beginning of his reign, ceased to be sufficient for the maintenance of government and for public defence, the practice of withholding supplies ceased.

"Fourth. There has been no instance since the Revolution of 1688 of attaching general legislation to a bill for raising or appropriating money, and scarcely, if ever, such an instance before that date. When such an attempt has been made it has been resisted, denounced and abandoned, and the English Constitutional authorities, without exception, are agreed that such a proceeding is unwarrantable, revolutionary and destructive of the English Constitution.

"It is true that the luxury or ambition of Kings or their indulgent bounty to their favorites led them to assemble Parliament and to ask additional supplies from their subjects. It is also true that these requests furnished the occasion to the Commons to stipulate for redress of grievances. But the grievances so redressed had no relation to the laws of the Realm. These laws were made or altered by the free assent of the three estates in whom the law-making power vested by the Constitution. The grievances of which the Commons sought redress, whether from Tudor, Plantagenet or Stuart, were the improper use of prerogatives, the granting of oppressive monopolies, the waging of costly foreign wars, the misconduct of favorites and the like. The improvident expenditure of the royal patrimony, the granting the crown land or pensions to unworthy persons, is a frequent ground of complaint.

"But there is a broader and simpler distinction between the two cases. The mistake, the gross, palpable mistake, which these gentlemen fall into in making this comparison, lies at the threshold. The House of Commons, in its discretion, used to grant, and sometimes now grants, supplies to the King. The American Congress, in its discretion, never grants supplies to the President under any circumstances whatever. The only appropriation of the public money to which that term can properly apply, the provision for the President's compensation, is by design and of purpose placed wholly out of the power of Congress. The provision is peremptory that—

"The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.'

"Alexander Hamilton, in No. 72 of the 'Federalist,' declares that the very purpose of this enactment is to put it beyond the power of Congress to compel the President 'to surrender at discretion his judgment to their inclinations.'"

Almost immediately after I entered the Senate the case came up of the title of William Pitt Kellogg to a seat in the Senate from Louisiana.

In January, 1877, a Republican Legislature was organized in Louisiana, which recognized Mr. Packard as the lawful Governor of the State. Packard had been elected, according to the claim of the Republicans, at the same election at which the Republican electors, who cast their votes for President Hayes, had been chosen. That Legislature elected Kellogg. When President Hayes refused to continue

his support of the Republican government in Louisiana by military force, the Democrats organized the Legislature, a Democratic Governor took possession of power, and the Republican State Legislature melted away. It had done little or nothing, except to elect Mr. Kellogg.

Under these circumstances, the Democrats on the Committee on Privileges and Elections, and in the Senate, claimed that the recognition of the Democratic Governor had an ex post facto operation which determined the title and right of the Legislature who undertook to elect Mr. Spofford, Mr. Kellogg's competitor. The Republicans, on the other hand, claimed that nothing which occurred afterward could operate to determine the question of the lawfulness of the Kellogg Legislature, or its power to elect a Senator. That must be settled by the law and the fact. Upon these we thought Kellogg's title to be clear. Kellogg was seated. But when the Democrats got a majority, two years later, the Committee on Privileges and Elections, under the lead of Benjamin H. Hill of Georgia, undertook to set aside this judgment, and to seat Mr. Spofford. Mr. Hill made a long and, it is unnecessary to say, an able report, setting forth the view taken by himself and by the majority of the Committee, and recommended the admission of Mr. Spofford. I advised the Republican minority to decline to follow the Democrats into the discussion of the evidence, and to put the case alone and squarely on the authority of the previous judgment of the Senate. This I did in the following report:

The undersigned, a minority of the Committee on Privileges and Elections, to whom was referred the memorial of Henry M. Spofford, claiming the seat now occupied by William Pitt Kellogg, submit the following as their views:

On the 30th day of November, 1877, the Senate passed the following resolutions.

"Resolved, That William Pitt Kellogg is, upon the merits of the case, entitled to a seat in the Senate of the United States from the State of Louisiana for the term of six years, commencing on the 4th of March, 1877, and that he be admitted thereto on taking the proper oath.

"Resolved, That Henry M. Spofford is not entitled to a seat in the Senate of the United States."

The party majority in the Senate has changed since Mr. Kellogg took the oath of office in pursuance of the above resolution. Nothing else has changed. The facts which the Senate considered and determined were in existence then, as now. It is sought, by a mere superiority of numbers, for the first time, to thrust a Senator from the seat which he holds by virtue of the express and deliberate final judgment of the Senate.

The act which is demanded of this party majority would be, in our judgment, a great public crime. It will be, if consummated, one of the great political crimes in American history, to be classed with the Rebellion, with the attempt to take possession by fraud of the State Government of Maine, and with the overthrow of State Governments in the South, of which it is the fitting sequence. Political parties have too often been led by partisan zeal into measures which a sober judgment might disapprove; but they have ever respected the constitution of the Senate.

The men whose professions of returning loyalty to the Constitution have been trusted by the generous confidence of the American people are now to give evidence of the sincerity of their vows. The people will thoroughly understand this matter, and will not likely to be deceived again.

We do not think proper to enter here upon a discussion of the evidence by which the claimant of Mr. Kellogg's seat seeks to establish charges affecting the integrity of that Senator. Such evidence can be found in abundance in the slums of great cities. It is not fit to be trusted in cases affecting the smallest amount of property, much less the honor of an eminent citizen, or the title to an object of so much desire as a seat in the Senate. This evidence is not only unworthy of respect or credit, but it is in many instances wholly irreconcilable with undisputed facts, and Mr. Kellogg has met and overthrown it at every point.

GEORGE F. HOAR, ANGUS CAMERON, JOHN A. LOGAN.

The Democratic majority presented their report, without asking to have it read. Then we of the minority presented ours, and had it read. It attracted the attention of the Senate and of the country. My report contains but a few sentences. That of the Democratic minority occupies eight columns of very fine print in the Congressional Record. The result was that some of the Southern Democrats, including Mr. Bayard of Delaware, General Gordon of Georgia, General Wade Hampton of South Carolina, and Mr. Pendleton, of Ohio, refused to support their associates in the extreme measure of unseating a Senator when nothing had happened to affect the judgment which seated him, except that the majority of the Senate had changed. Some of the Democratic gentlemen, however, while resting upon the old judgment of the Senate, and while refusing to set that aside, thought the Democratic charges made out

on the evidence, and that Mr. Kellogg's conduct and character deserved the severest denunciation. Senator Pendleton, of Ohio, however, with a courage and manliness that did him infinite credit, after stating what his Democratic brethren said: "I am bound to say that I have read the evidence carefully, and there is nothing in it that in the least warrants any imputation upon the integrity of that Senator."

In speaking of my Committee service, perhaps I ought to say that I was appointed one of the Regents of the Smithsonian Institution in the year 1881. I liked the position exceedingly. I was very much interested in the work of the Institution, and enjoyed meeting the eminent scholars and men of science who were its members. After I had been a member a year or two a very eminent Republican Senator complained that I was getting more than my share of the prominent places in the gift of the Senate, and specified the Regency of the Smithsonian Institution as an instance. I thought there was great justice in the complaint, and accordingly I resigned and Justin S. Morrill was put in my place. It was a very fortunate thing. Mr. Morrill's influence secured the construction of the National Museum building, which I do not think it likely that I could have accomplished. That Museum was then in charge of the Secretary of the Smithsonian Institution.

A somewhat similar thing happened to me later. In the year 1885 the Nominating Committee of the Senate, of which Senator Allison was then Chairman, proposed my name for the Committee on Foreign Relations. I should have liked that service very much. I should have liked to study the history of our diplomacy, and the National interests specially in charge of that Committee, better than anything else I can think of. But I was then a member of the Committees on the Judiciary, Privileges and Elections, Library, Patents and the Select Committee to Inquire into the Claims of Citizens of the United States against Nicaragua, no one of which I desired to give up. On the other hand, Senator Frye of Maine, a very able Senator to whom the Republicans of Massachusetts were under special obligations for his services in their campaigns, was not at that time placed in positions on Committee service such as his ability and merit entitled him to. Accordingly I told the Committee I thought they had better amend their report and put Mr. Frye on the Committee on Foreign Relations instead of myself. That was done.

I incline to think that if that had not been done, and I had remained on the Committee for Foreign Relations, that I could have defeated the Spanish Treaty, prevented the destruction of the Republic in the Philippine Islands, and the commitment of this country to the doctrine that we can govern dependencies under our Constitution, in which the people have no political or Constitutional rights but such as Congress choose to recognize.

I am not sure that modesty or disinterestedness has much place in the matter of the acceptance of high political office. We often hear a gentleman say: "I am not fit to be Judge; I am not fit to be Governor, or Senator, or member of Congress. I think other men are better qualified, and I will not consent to stand in their way." This is often said with the utmost sincerity. But anybody who acts on such a feeling ought to remember that if he accept the office, it will not be filled by a worse man than he; if he accept the office, it being a political office, he is sure that the office will be filled by a man who will desire to accomplish, and will do his best to accomplish, the things he thinks for the public good. He should also remember, so far as the matter of ability is concerned, that other men are likely to be much better judges of his capacity than he is himself. If men are likely often to overrate their own capacity, they are also very often likely to underrate it.

Let me not be understood as commending the miserable self-seeking which too often leads men to urge their own claims without regard to the public interests. A man who is his own candidate is commonly a very bad candidate for his party.

One vote, more than once, would have saved the country from what I think its wretched policy in regard to the Philippine Islands. There was just one vote to spare when the Spanish Treaty was ratified. One Senator waited before voting until the roll-call was over and the list of the votes read by the clerk, before he finally voted for the treaty. He said he did not wish to butt his head against the sentiment of his State if he could do no good; but if his vote would defeat it, he should vote against it. If there had been one less vote, his vote would have defeated it. The Treaty would have been lost, in my opinion, if Senator Gray, one of the Commissioners who made it, who earnestly protested against it, but afterward supported it, had not been a member of the Commission. The resolution of Mr. Bacon, declaring our purpose to recognize the independence of the Philippine people, if they desired it, was lost also by a single vote. The Philippine Treaty would have been lost but for Mr. Bryan's personal interposition in its behalf. It would have been defeated, in my judgment, if Speaker Reed, a man second in influence and in power in this country to President McKinley alone, had seen it to be his duty to remain in public life, and lead the fight against it.

So I think it is rarely safe for a man who is in political life for public, and not for personal ends, and who values the political principles which he professes, to decline any position of power, either from modesty, doubt of his own ability, or from a desire to be generous to other men.

My twenty years' service on the Committee on the Judiciary, so far as it is worth narrating, will appear in the account of the various legal and Constitutional questions which it affected.

CHAPTER VIII THE RIVER AND HARBOR BILL

I have throughout my whole public political life acted upon my own judgment. I have done what I thought for the public interest without much troubling myself about public opinion. I always took a good deal of pride in a saying of Roger Sherman's. He was asked if he did not think some vote of his would be very much disapproved in Connecticut, to which he replied that he knew but one way to ascertain the public opinion of Connecticut; that was to ascertain what was right. When he had found that out, he was quite sure that it would meet the approval of Connecticut. That in general has been in my judgment absolutely and literally true of Massachusetts. It has required no courage for any representative of hers to do what he thought was right. She is apt to select to speak for her, certainly those she sends to the United States Senate, in whose choice the whole Commonwealth has a part, men who are in general of the same way of thinking, and governed by the same principles as are the majority of her people. When she has chosen them she expects them to act according to their best judgement, and not to be thinking about popularity. She likes independence better than obsequiousness. The one thing the people of Massachusetts will not forgive in a public servant is that he should act against his own honest judgment to please them. I am speaking of her sober, second thought. Her people, like the rest of mankind, are liable to waves of emotion and of prejudice. This is true the world over. It is as true of good men as of bad men, of educated as of ignorant men, whenever they are to act in large masses. Alexander Hamilton said that if every Athenian citizen had been a Socrates, still every Athenian assembly would have been a mob. So I claim no credit that I have voted and spoken as I thought, always without stopping to consider whether public opinion would support me.

The only serious temptation I have ever had in my public life came to me in the summer of 1882, when the measure known as the River and Harbor Bill was pending. The bill provided for an expenditure of about eighteen million dollars. Of this a little more than four million was for the execution of a scheme for the improvement of the Mississippi River and its tributaries, which had been recommended by President Arthur in a special message. All the other appropriations put together were a little less than fourteen million dollars. The bill passed both Houses. President Arthur vetoed it, alleging as a reason that the measure was extravagant; that the public works provided for in it were of local interest, not for the advantage of international or interstate commerce; and that it had got through by a system of log-rolling, the friends of bad schemes in one State joining with the friends of bad schemes in another, making common cause to support the bill. He added that in that way, the more objectionable the measure, the more support it would get. The press of the country, almost without exception, supported the President. The reasons which applied to each improvement were not well understood by the public. So the conductors of the newspapers naturally supposed the President to be in the right in his facts. The Democratic newspapers were eager to attack Republican measures. Where there were factions in the Republican Party, the Republican papers of one faction were ready to attack the men who belonged to the other. The independent newspapers welcomed any opportunity to support their theory that American public life was rotten and corrupt. So when the question came up whether the bill should pass notwithstanding the objections of the President, there was a storm of indignation throughout the country against the men who supported it.

But the committees who had supported it and who had reported it, and who knew its merits, and the men who had voted for it in either House of Congress, could not well stultify themselves by changing their votes, although some of them did. I was situated very fortunately in that respect. I had been absent on a visit to Massachusetts when the bill passed. So I was not on record for it. I had given it no great attention. The special duties which had been assigned to me related to other subjects. So when the measure came up in the Senate I had only an opinion founded on my general knowledge of the needs of the country and the public policy, that it was all right. My reelection was coming on. I was to have a serious contest, if I were a candidate, with the supporters of General Butler, then very powerful in the State. He, in fact, was elected Governor in the election then approaching. My first thoughts were that I was fortunate to have escaped this rock. But when the vote came on I said to myself: "This measure is right. Is my father's son to sneak home to Massachusetts, having voted against a bill that is clearly righteous and just, because he is afraid of public sentiment?" Senator McMillan, the Chairman of the Committee who had charge of the bill, just before my name was called, asked me how I meant to vote. I told him I should vote for the bill, because I believed it to be right, but that it would lose me the support of every newspaper in Massachusetts that had been friendly to me before. I voted accordingly. The vote was met by a storm of indignation from one end of Massachusetts to the other, in which every Republican newspaper in the State, so far as I know, united. The Springfield *Republican* and the Boston *Herald*, as will well be believed, were in glory. The conduct of no pick-pocket or bank robber could have been held up to public indignation and contempt in severer language than the supporters of that

bill. A classmate of mine, an eminent man of letters, a gentleman of great personal worth, addressed a young ladies' school, or some similar body in Western Massachusetts, on the subject of the decay of public virtue as exemplified by me. He declared that I had separated myself from the best elements in the State.

The measure was passed over the President's veto. But it cost the Republican Party its majority in the House of Representatives. A large number of the member of the House who had voted for it lost their seats. If the question of my reelection had come on within a few weeks thereafter, I doubt whether I should have got forty votes in the whole Legislature. If I had flinched or apologized, I should have been destroyed. But I stood to my guns. I wrote a letter to the people of Massachusetts in which I took up case by case each provision of the bill, and showed how important it was for the interest of commerce between the States, or with foreign countries, and how well it justified the moderate expenditure. I pointed out that the bill had been, in proportion to the resources of the Government, less in amount than those John Quincy Adams and Daniel Webster had formerly advocated; that Mr. Webster, with the single exception of his service for preserving the Union, prided himself on his support of this policy of public improvement more than on anything else in his life, and had made more speeches on that subject than on any other. Mr. Adams claimed to be the author of the policy of internal improvements. So that it was a Massachusetts policy, and a Massachusetts doctrine. I asked the people of Massachusetts to consider whether they could reasonably expect to get their living by manufacture, to which nearly the whole State was devoted, bringing their raw material and their fuel and their iron and coal and cotton and wool from across the continent, and then carrying the manufactured article back again to be sold at the very places where the material came from, in competition with States like Pennsylvania and New York and Ohio and Indiana, unless the cost of transportation was, so far as possible, annihilated.

I concluded by saying that I knew they would not come to my way of thinking that afternoon or that week, but that they were sure to come to it in the end. With very few exceptions the letter did not change the course of the newspapers, or of the leading men who had zealously committed themselves to another doctrine. But it convinced the people, and I believe it had a very great effect throughout the country, and was the means of saving the policy of internal improvements from destruction.

Mr. Clapp, of the *Boston Journal*, with a manliness that did him infinite credit, declared publicly in its columns that he had been all wrong, and that I was right. The *Worcester Spy*, edited by my dear friend and near kinsman, Evarts Greene, had with the rest of the press attacked my vote. Mr. Greene himself was absent at the time, so the paper was then in charge of an associate. When Mr. Greene returned I asked him to spend an afternoon at my house. That was before my letter came out. I had sent to Washington for all the engineers' reports and other documents showing the necessity of every item of the bill. Mr. Greene made a careful study of the bill and agreed with me.

The *Boston Herald* also obtained all the material from Washington and sent it to a very able gentleman who, though not taking any part in the ordinary conduct of the *Herald*, was called upon for services requiring special ability and investigation. They asked him to answer my letter. He spent five days in studying the matter, and then wrote to the managing editor of the paper than Mr. Hoar was entirely right, and that he should not write the article desired. The *Herald*, however, did not abandon its position. It kept up the war. But I ought to say it so far modified its action that it supported me for reelection the next winter.

The *Springfield Republican* saw and seized its opportunity. It attacked the River and Harbor Bill savagely. It said: "Mr. Hoar is a candidate for reelection and has dealt himself a very severe blow. The Commonwealth was prepared to honor Messrs. Crapo and Hoar anew. To-day it pauses, frowns and reflects." So it kept up the attack. It had previously advocated the selection of Mr. Crapo as candidate for Governor. It bitterly denounced me. Mr. Crapo had himself voted for the River and Harbor Bill. It could not consistently maintain its bitter opposition to me, because of my vote, while supporting Mr. Crapo. So it declared it could no longer support him.

When the State Convention came the feeling was still strong, though somewhat abated. I had been asked by the Committee, a good while before, to preside at the Convention. This I did. I was received rather coldly when I went forward. But I made no apologies. I began my speech by saying: "It gives me great pleasure to meet this assembly of the representatives of the Republicans of Massachusetts. I have seen these faces before. They are faces into which I am neither afraid nor ashamed to look." The assembly hesitated a little between indignation at the tone of defiance, and approval of a man's standing by his convictions. The latter feeling predominated, and they broke out into applause. But the resolutions which the Committee reported contained a mild but veiled reproof of my action.

Mr. Crapo was defeated in the Convention. I have no doubt he would have been nominated for Governor, but for his vote for the River and Harbor Bill. His successful competitor, Mr. Bishop, was a gentleman of great personal worth, highly esteemed throughout the Commonwealth, and of experience

in State administration. But it was thought that his nomination had been secured by very active political management, concerted at the State House, and that the nomination did not fairly represent the desire of the people of the Commonwealth. Whatever truth there may have been in this, I am very sure that Mr. Crapo's defeat could not have been compassed but for his vote for the River and Harbor Bill. The result of the above feeling, however, was that the Republican campaign was conducted without much heart, and General Butler was elected Governor.

When the election of Senator came in the following winter, I was opposed by what remained of the feeling against the River and Harbor Bill. My principal Republican competitors were Mr. Crapo, whose friends rightly thought he had been treated with great injustice; and Governor Long, a great public favorite, who had just ended a brilliant and most acceptable term of service as Governor. Governor Long had presided at a public meeting where President Arthur had been received during the summer, and had assured him that his action had the hearty approval and support of the people of the Commonwealth. I had, of course, no right to find the least fault with the supporters of Governor Long. He would have been in every way a most acceptable and useful Senator. I ought to say that, as I understood it, he hardly assumed the attitude of a candidate for the place, and declared in a public letter or speech that he thought I ought to be reelected. So, after a somewhat earnest struggle I was again chosen.

One curious incident happened during the election. The morning after the result was declared, a story appeared in the papers that Mr. Crapo's supporters had been led to come over to me by the statement that one of them had received a telegram from him withdrawing his name, and advising that course. The correspondent of one of the papers called upon Mr. Crapo, who answered him that he had never sent any such telegram to Boston. So it was alleged that somebody who favored me had brought about the result by this false statement. A newspaper correspondent called on me in Washington, and asked me about the story. I told him that I had not heard of the story, but that if it turned out to be true I, of course, would instantly decline the office. A full investigation was made of the matter, and it turned out that Mr. Crapo had sent such a telegram to a member of the Legislature in New Bedford, who had taken it to Boston and made it known.

The next winter, at my suggestion, a resolution was passed calling upon the Secretary of War, Mr. Lincoln, to specify which items in the River and Harbor Bill of the previous winter were not, in his opinion, advisable, or did not tend to promote international or interstate commerce. He replied specifying a very few items only, amounting altogether to a very few thousand dollars. This reply was made by the Secretary of War, as he told me in private afterward, by the express direction of the President, and after consultation with him. That ended the foolish outcry against the great policy of internal improvement, which has helped to make possible the marvels of our domestic commerce, one of the most wonderful creations of human history. The statistics of its vast extent, greater now, I think, than all the foreign commerce of the world put together, from the nature of the case, never can be precisely ascertained. It is not only wonderful in its amount, but in its origin, its resources, and in its whole conduct. All its instrumentalities are American. It is American at both ends, and throughout all the way. This last year a bill providing for an expenditure of sixty millions, nearly four times the amount of that which President Arthur, and the newspapers that supported him, thought so extravagant, passed Congress without a murmur of objection, and if I mistake not, without a dissenting vote.

I should like to put on record one instance of the generosity and affection of Mr. Dawes. He had not voted when his name was called, expecting to vote at the end of the roll-call. He meant to vote against the passage of the bill over the veto. But when he heard my vote for it, he saw that I was bringing down on my head a storm of popular indignation, and made up his mind that he would not throw the weight of his example on the side against me. So, contrary to his opinion of the merits of the bill, he came to my side, and voted with me.

I suppose a good many moralists will think that it is a very wicked thing indeed for a man to vote against his convictions on a grave public question, from a motive like this, of personal friendship. But I think on the whole I like better the people, who will love Mr. Dawes for such an act, than those who will condemn him. I would not, probably, put what I am about to say in an address to a Sunday-school, or into a sermon to the inmates of a jail or house of correction. I cannot, perhaps, defend it by reason. But somehow or other, I am strongly tempted to say there are occasions in life where the meanest thing a man can do is to do perfectly right. But I do not say it. It would be better to say that there are occasions when the instinct is a better guide than the reason. At any rate, I do not believe the recording angel made any trouble for Mr. Dawes for that vote.

CHAPTER IX CHINESE TREATY AND LEGISLATION

Much of what I have said in the preceding chapter is, in substance, applicable to my vote on another

matter in which I had been compelled to take an attitude in opposition to a large majority of my own party and to the temporary judgment of my countrymen: that is the proposed legislation in violation of the Treaty with China; the subsequent Treaty modifying that negotiated in 1868 by Mr. Seward on our part, and Mr. Burlingame for China; and the laws which have been enacted since, upon the subject of Chinese immigration. I had the high honor of being hung in effigy in Nevada by reason of the report that I had opposed, in secret Session of the Senate, the Treaty of 1880. My honored colleague, Mr. Dawes, and I were entirely agreed in the matter. Mr. Dawes complained good-naturedly to Senator Jones, of Nevada, that he had been neglected when the Nevada people had singled me out for that sole honor, to which Mr. Jones, with equal good-nature, replied that if Mr. Dawes desired, he would have measures taken to correct the error, which had inadvertently been made.

In 1868 the late Anson Burlingame, an old friend of mine and a man highly esteemed in Massachusetts, who had been sent to China as the American Minister in Mr. Lincoln's time, was appointed by the Chinese Government its Ambassador, or Envoy, to negotiate treaties with the United States and several European powers. He made a journey through this country and Europe, travelling with Oriental magnificence, in a state which he was well calculated to maintain and adorn. It was just after we had put down the Rebellion, abolished slavery, and made of every slave a freeman and every freeman a citizen. The hearts of the people were full of the great doctrines of liberty which Jefferson and the Fathers of our country had learned from Milton and the statesmen of the English Commonwealth.

The Chinese Treaty was concluded on the 28th of July, 1868, between Mr. Seward and Mr. Burlingame and his associate Plenipotentiaries Chih-Kang and Sun Chia-Ku. It contained the following clause:

"The United States of American and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of free migration and emigration of their citizens and subjects respectively from one country to the other for purposes of curiosity, of trade, or as permanent residents."

Article VII. of the same Treaty stipulated that citizens of each power should enjoy all the privileges of the public educational institutions under the control of the government of the other, enjoyed by the citizens or the subjects of the most favored nation, and that the citizens of each might, themselves, establish schools in the others' country. Congress passed an Act, July 27, 1868, to a like effect, to which the following is the preamble to the first section:

"Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty and the pursuit of happiness; and whereas in the recognition of this principle this government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore," etc.

Thereafter, in the first term of the Administration of President Hayes, in the December Session of 1878, a bill was introduced which, almost defiantly, as it seemed to me, violated the faith of the country pledged by the Burlingame Treaty. There had been no attempt to induce China to modify that Treaty. I resisted its passage as well as I could. But my objection had little effect in the excited condition of public sentiment. The people of the Pacific coast were, not unnaturally, excited and alarmed by the importation into their principal cities of Chinese laborers, fearing, I think without much reason, that American laboring men could not maintain themselves in the competition with this thrifty and industrious race who lived on food that no American could tolerate, and who had no families to support, and who crowded together, like sardines in a box, in close and unhealthy sleeping apartments.

I supposed that the labor of this inferior class would raise the condition of better and more intelligent laborers. That, however, was a fairly disputable question. But I could not consent to striking at men, as I have just said, because of their occupation. This bill was vetoed by President Hayes, who put his objections solely upon the ground that the bill was in violation of the terms of the existing Treaty. The House, by a vote of 138 yeas to 116 nays, refused to pass the bill over the veto.

But in 1880 a Treaty was negotiated, and approved by the Senate and ratified July 19, 1881, which relieved the United States from the provisions of the Burlingame Treaty, and permitted the exclusion of Chinese laborers. I made a very earnest speech, during a debate on this Treaty in Executive Session of the Senate, in opposition to it. The Senate did me the honor, on the motion of Mr. Dawes, of a vote authorizing my speech to be published, notwithstanding the rule of secrecy. But one Senator from the Pacific coast complained, I think with some reason, that I was permitted to publish my argument on one side when he not only was not permitted to publish his on the other, but his constituents had no means

of knowing that he had defended his views or made proper answer to mine. So I thought it hardly fair to make by speech public, and it was not done.

Later, in the spring of 1882, a bill was passed to carry into effect the Treaty of 1880. That I resisted as best I could. In opposition to this bill I made an earnest speech showing it to be in conflict with the doctrines on which our fathers founded the Republic; with the principles of the Constitutions of nearly all the States, including that of California, and with the declarations of leading statesmen down to the year 1868. I showed also that the Chinese race had shown examples of the highest qualities of manhood, of intelligence, probity and industry. I protested against a compact between the two greatest nations of the Pacific, just as we were about to assert our great influence there, which should place in the public law of the world, and in the jurisprudence of America, the principle that it is fitting that there should be hereafter a distinction in the treatment of men by governments and in the recognition of their right to the pursuit of happiness by a peaceful change of their homes, based, not on conduct, not on character, but upon race and occupation; by asserting that you might justly deny to the Chinese what you might not justly deny to the Irish, that you might justly deny to the laborer what you might not deny to the idler. I pointed out that this declaration was extorted from unwilling China by the demand of America; and that laborers were henceforth to be classed, in the enumeration of American public law, with paupers, lazzaroni, harlots, and persons afflicted with pestilential diseases. I ended what I had to say as follows:

"Humanity, capable of infinite depths of degradation, is also capable of infinite heights of excellence. The Chinese, like all other races, has given us its examples of both. To rescue humanity from this degradation is, we are taught to believe, the great object of God's moral government on earth. It is not by injustice, exclusion, caste, but by reverence for the individual soul that we can aid in this consummation. It is not by Chinese policies that China is to be civilized. I believe that the immortal truths of the Declaration of Independence came from the same source with the Golden Rule and the Sermon on the Mount. We can trust Him who promulgated these laws to keep the country safe that obeys them. The laws of the universe have their own sanction. They will not fail. The power that causes the compass to point to the north, that dismisses the star on its pathway through the skies, promising that in a thousand years it shall return again true to its hour and keeps His word, will vindicate His own moral law. As surely as the path on which our fathers entered a hundred years ago led to safety, to strength, to glory, so surely will the path on which we now propose to enter bring us to shame, to weakness, and to peril."

The Statute then enacted, expired by its own limitations twenty years afterward. Meantime the prejudice against Chinese labor had modified somewhat. The public had become somewhat more considerate of their rights and, at any rate, there was a desire to maintain some show of decency in legislating the matter. So a more moderate Statute was enacted in 1902. I was the only person who voted against it in either House. It was, of course, clear that resistance was useless. It was not worth while, it seemed to me, to undertake to express my objections at length. I contented myself with the following brief remonstrance:

"Mr. President, I think this bill and this debate indicate a great progress in sentiment. The sentiment of the country has passed, certainly so far as it is represented by a majority of the Senate, the stage, if it ever was in it, of a reckless seeking to accomplish the result of Chinese exclusion without regard to constitutional restraints, treaty obligations, or moral duties. There was in some quarters, as it seemed to me, in olden times, a disregard of all these restraints, certainly in the press, certainly in the harangues which were made to excited crowds in various parts of the country. Among others I can remember a visit of the apostle of Chinese exclusion to Boston Common which indicated that spirit.

"Now, that has gone largely, and the Senate has discussed this question with a temperate desire on the part of all classes and all Senators, whatever ways of thinking they have, to do what seemed to them for the benefit of labor, the quality of the citizenship of this country, in a moderate and constitutional fashion.

"But I cannot agree with the principle on which this legislation or any legislation on the subject which we have had in the country since 1870 rests. I feel bound to enter a protest. I believe that everything in the way of Chinese exclusion can be accomplished by reasonable, practical and wise measures which will not involve the principle of striking at labor, and will not involve the principle of striking at any class of human beings merely because of race, without regard to the personal and individual worth of the man struck at. I hold that every human soul has its rights, dependent upon its individual personal worth and not dependent upon color or race, and that all races, all colors, all nationalities contain persons entitled to be recognized everywhere they go on the face of the earth as the equals of every other man."

I do not think any man ever hated more than I have hated the affectation or the reality of singularity.

I know very well that the American people mean to do right, and I believe with all my heart that the men and the party with whom I have acted for fifty years mean to do right. I believe the judgment of both far better than my own. But every man's conscience is given to him as the lamp for his path. He cannot walk by another light.

It is also true that the great political principles which have been in issue for the last thirty years, have been, in general, those that have been debated for centuries, and which cannot be settled by a single vote, in a legislative body, by the result of a single election, or even by the opinion of a single generation. In nearly every one of what I am sorry to say are the numerous instances where I have been compelled to act upon my judgment against that of my own party, and even against that of the majority of my own countrymen, the people have subsequently come around to my way of thinking, and in all of them, I believe, I have had on my side the opinion of the great men of the great generations of the past. Certainly the Chinese Exclusion Bill and the Chinese Treaty; the Spanish Treaty and the War against the Philippine people could not have lived an hour before the indignation of the American people at any time from the beginning down to the time when, in 1876, they celebrated the centennial of their Independence.

CHAPTER X THE WASHINGTON TREATY AND THE GENEVA AWARD

The Treaty of Washington, creditable to all who engaged in it, not to be judged by its details, but by its great effect in securing peace to the world, saved Great Britain from a war with us, in which it is not unlikely that the nations of Europe who hated her would have come to take part on our side. But it saved us from the greater danger of having the war spirit renewed and intensified by this gigantic struggle, from an international hatred which would not have cooled again for a century; or, if we did not declare war, from taking the ignoble attitude of a great and free people lying in wait for an opportunity to revenge itself.

It was the purpose of that Treaty to remove every cause of quarrel. One constant cause of quarrel, for many years, had been the exercise of our right to fish on the shores of Newfoundland. In the Treaty it was agreed that the United States should have, in addition to her existing rights for ten years, and for such further times as the parties should agree, the right to take fish on the sea coast of the British Provinces north of us, with permission to land for the purpose of drying nets and curing fish, and that we were to pay for the privilege a sum to be fixed by arbitrators. Two of these arbitrators were to be appointed by the United States and Great Britain; the other, who would serve as umpire, to be agreed upon by the two powers, or, if not agreed upon within a certain time, then to be appointed by the Emperor of Austria. Great Britain insisted upon having the Belgian Minister to the United States for the third arbitrator, and refused to name or suggest or agree to any other person. So the time expired. Thereupon the Belgian Minister, Mr. Delfosse, was selected by the Emperor of Austria. Mr. Delfosse's own fortune in public life depended upon his Sovereign's favor. We had already notified Great Britain that, if the Belgian Minister were selected, he would probably deem himself disqualified by reason of the peculiar connection of his Government with that of Great Britain. When the Treaty was negotiated, Earl de Grey, Chairman of the Commissioners, said, speaking of the Government to whom the matter might be referred: "I do not name Belgium, because Great Britain has treaty arrangements with that Government which might be supposed to incapacitate it." Belgium, as was notorious, was dependent upon Great Britain to maintain its political existence against the ambitions of France and Germany. Mr. Delfosse's sovereign was the son of the brother of Queen Victoria's mother and Prince Albert's father, and was, himself, brother of Carlotta, wife of Maximilian, whom we had lately compelled France to abandon to his fate.

The referee awarded that we should make a payment to Great Britain for this fishery privilege of five million five hundred thousand dollars. We never valued them at all. We abandoned them at the end of ten years. It would have been much better to leave the matter to Great Britain herself. If she had been put upon honor she would not have made such an award. No English Judge who valued his reputation would have suggested such a thing, as it seemed to us.

I would rather the United States should occupy the position of paying that award, after calling the attention of England to its injustice and wrong, than to occupy the position of England when she pocketed the money. A war with England would have been a grievous thing to her workingmen who stood by us in our hour of peril, and to all that class of Englishmen whom we loved, and who loved us. Such a war would have been a war between the only two great English-speaking nations of the world, and the two nations whose policy, under methods largely similar, though somewhat different, were determined by the public opinion of their people.

If however our closer and friendlier relations with England are to result in our adopting her social manners, her deference to rank and wealth, and of adopting her ideas of empire and the method of

treating small and weak nations by great and strong ones, it would be better that we had kept aloof, and that the old jealousy and dislike engendered by two wars had continued.

A very interesting question was settled during the Administration of President Hayes as to the disposition of the \$15,500,000 recovered from Great Britain by the award of the tribunal of Geneva for the violation of the obligations of neutrality during the Civil War. Great Britain, after what we had claimed was full notice of what was going on, permitted certain war vessels to be constructed in England for the Confederate Government. She permitted those vessels to leave her ports and, by a preconcerted arrangement, to receive their armament, also procured in Great Britain. She turned a deaf, an almost contemptuous ear, to the remonstrances of Mr. Adams, our Minister. The Foreign Office, after a while, informed him that they did not wish to receive any more representations on that subject. But, as the War went on and the naval and military strength of the United States increased and became more manifest, Great Britain became more careful. At last some Rebel rams were built by the Lairds, ship-builders of Liverpool. Mr. Adams procured what he deemed sufficient evidence that they were intended for the Confederate service, and made a demand on Lord Russell, the British Foreign Minister, that they be detained. To this Lord Russell replied that he had submitted the matter to the Law officers of her Majesty's Government, and they could see no reason for interfering. To this Mr. Adams instantly replied that he received the communication with great regret, adding, "It would be superfluous in me to point out to your Lordship that this is war." Lord Russell hastily reconsidered his opinion, and ordered the rams to be stopped.

He afterward, as appears in his biography by Spencer Walpole, admitted his error in not interfering in the case of the vessels that had gone out before. But the mischief was done. The terror of these Confederate vessels had driven our commerce from the sea, or had compelled our merchant vessels to sail under foreign flags, and had enormously increased the rate of insurance to those who kept the sea under our flag.

After the War had ended a demand for compensation was earnestly pressed upon Great Britain. A demand was made to refer the claims to arbitration, and a Treaty negotiated for that purpose by Reverdy Johnson under Andrew Johnson's Administration, was rejected by the Senate, on the ground, among other reasons, that the element of chance entered into the result.

Thereafter, in General Grant's time, a Joint High Commission to deal with this controversy was agreed upon between the two countries, which sat in Washington, in 1871. The Commissioners in behalf of the United States were Hamilton Fish, Secretary of State; Robert C. Schenck, then our Minister to England; Samuel Nelson, Judge of the Supreme Court; Ebenezer Rockwood Hoar, lately Attorney-General, and George H. Williams, afterward Attorney-General. On behalf of Great Britain there were Earl de Grey and Ripon, afterward Marquis of Ripon; Sir Stafford H. Northcote, afterward Earl of Idesleigh; Edward Thornton, then the British Minister here; John A. MacDonald, Premier of Canada, and Montague Bernard, Professor of International Law at Oxford. The two countries could not, in all probability, have furnished men more competent for such a purpose. They agreed upon a treaty. The rules by which neutral governments were to be held to be bound for the purposes of the arbitration were agreed on beforehand in the Treaty itself. They agreed to observe these rules between themselves in the future, and to invite other maritime powers to accede to them. The Treaty also contained a statement that Her Britannic Majesty had "authorized her High Commissioners and Plenipotentiaries to express in a friendly spirit the regret felt by Her Majesty's Government for the escape, under whatever circumstances, of the Alabama and other vessels from British ports, and for the depredations committed by those vessels." I am not aware a like apology has ever been made by Great Britain during her history, to any other country. There was a provision also, for the reference of some other matters in dispute between the two countries. One of these related to the fisheries— a source of irritation between this country and the British possessions north of us ever since the Revolution.

I will not undertake to tell that part of the story here. It was agreed to submit the questions of the claims growing out of the escape of the Rebel cruisers to a tribunal which was to sit at Geneva. Of this, one member was to be appointed by each of the parties, and the others by certain designated foreign governments. Our Commissioner was Charles Francis Adams, who had borne himself so wisely and patiently during the period of the Civil War. The English Commissioner was Sir Alexander Cockburn, Lord Chief Justice of England. The United States was represented by Caleb Cushing, William M. Evarts and Morrison R. Waite, afterward Chief Justice of the United States, as counsel.

Adams rarely betrayed any deep emotion on any public occasion, however momentous. But it must have been hard for him to conceal the thrill of triumph, after the ignominy to which he had submitted during that long and anxious time, when he heard the tribunal pronounce its judgment, condemning Great Britain to pay \$15,500,000 damages for the wrong-doing against which he had so earnestly and vainly protested. Perhaps the feeling of his grandfather when he signed the Treaty of Independence in 1783 might alone be compared to it. Yet his father, John Quincy Adams, had something of the same

feeling when, at the close of a war which put an end forever to the impressment of American seamen, and made the sailor in his ship as safe as the farmer in his dwelling, he signed the Treaty which secured our boundary and our fisheries as they had been secured by his father.* John Quincy Adams had struck, by the direction of his father, in 1815, a seal which he gave to his son, with the injunction to give it to his, bearing the motto, "Piscemur, venemur, ut olim,"—We keep our hunting grounds and our fishing grounds as of old. I doubt if three such achievements, by three successive generations, can be found in the annals of any other family however illustrious.

[Footnote]

* This story is told more fully at page 147. It seems appropriate in both places.

[End of Footnote]

The \$15,500,000 was promptly paid. Then came the question what to do with it. There was no doubt anywhere, that the owners of vessels or cargoes that had been captured or destroyed by the cruisers for whose departure from British ports Great Britain was in fault, were entitled to be paid. That, however, would not consume the fund. The fund had been paid in gold coin by Great Britain, September 9, 1873, and had been covered into the Treasury the same day. This sum was invested in a registered bond for the amount, of the five per cent. loan of 1881, dated September 10, 1873, inscribed, "Hamilton Fish, Secretary of State, in trust. To be held subject to the future disposition of Congress, etc." This sum largely exceeded what was necessary to make good the principal of all losses directly resulting from the damages caused by the insurgent cruisers, above what had already been reimbursed from insurance. These claims were popularly termed the "claims for direct damages."

The question what to do with the balance was the subject of great dispute throughout the country, and of much debate in both Houses of Congress. Some persons claimed that the owners directly damaged should receive interest. That would still leave a large part of the fund undisposed of. It was insisted that the remainder belonged to the Government for the benefit of the whole people who had borne the burden and cost of the war. Others claimed that, as nothing but direct damages were lawfully assessable, the balance should be paid back to Great Britain. Still others claimed that the persons who had suffered indirectly by the loss of voyages, the increased rates of insurance, and the breaking up of business, were justly entitled to the money. Still others, perhaps the most formidable and persistent of all, claimed that the underwriters who had paid insurance on vessels or cargoes destroyed, were entitled to the money on the familiar principle that an insurer who pays a loss is subrogated to all the legal and equitable claims of the party insured.

These disputes prevented any disposition of the fund by Congress until the summer of 1874.

Judge Hoar, who was then a Member of the House of Representatives, suggested that as everybody agreed that the claims for direct damage ought to be paid, that it was not fair that they should be kept waiting longer in order to settle the dispute about the rest of the fund. In accordance with his suggestion a Court was provided for by Act of Congress, whose duty it was to receive and examine all claims directly resulting from damages caused by the insurgent cruisers. They were directed, however, not to allow any claim where the party injured had received indemnity from any insurance company, except to the excess of such claim above the indemnity. They were further authorized to allow interest at the rate of four per cent. The Court performed its duty. When its judgments had been paid there still remained a large balance. The ablest lawyers in the Senate, in general, pressed the claim of the insurance companies to the balance of the fund, including Mr. Edmunds, Judge Davis, Judge Thurman and Mr. Bayard. I took up the question with a strong leaning for the insurance companies. I was, of course, impressed by the well-known principle of law that the underwriter who had paid for property destroyed by the cause against which he had insured, was entitled to be substituted to all other rights or remedies which the owner may have for reimbursement of his loss. I was very much impressed also in favor of the insurance companies, who were making what they doubtless believed an honest and just claim, fortified by many of the best legal opinions in Congress and out of it, by the character of the attacks made on them, especially by General Butler. These attacks appealed to the lowest passions and prejudices. It was said that the companies were rich; that they made their money out of the misfortunes of their countrymen; that they were trying to get up to their arm-pits in the National Treasury, and that they employed famous counsel. If there be anything likely to induce a man with legal or judicial instincts to set his teeth against a proposition, it is that style of argument.

But I came to the conclusion, both from the history of the proceedings at Geneva, and from the nature of the submission, that the claim that had been established against Great Britain was a National claim, made by National authority for a National injury. That this was the character of the claim our counsel gave express notice to Great Britain and to the tribunal. This opinion was asserted by Mr. Fish in his instructions to the counsel. When the Government of the United States received it, it seemed to me that it was entitled to apply it in its high discretion; and to give it to such persons entitled to its

protection or consideration as it should see fit. I made a careful argument in support of this view. I thought, accordingly, that the balance of the fund, after compensating all persons, not yet paid, for claims directly resulting from damage done on the high seas by Confederate cruisers, and the class of insurance companies above mentioned, should be paid to persons who had paid premiums for war risks after the sailing of any Confederate cruiser. I maintained this doctrine as well as I could against the powerful arguments I have named. There were other very strong arguments on the same side, and I had the gratification of being assured by several Senators that my presentation of the case had convinced them. Mr. Blaine, who had, himself, earnestly engaged in the debate, said that he thought that the opinion of the majority of the Senators had been changed by my argument.

CHAPTER XI THE PRESIDENT'S POWER OF REMOVAL

The two most important questions of the construction of the Constitution which came up in our early history have been finally put at rest in our day. I have had something to do with disposing of both of them. With the disposition of one of them I had a leading part.

The first of these questions was whether in executing the powers conferred upon it by the Constitution, Congress must confine itself to such means and instrumentalities as are strictly and indispensably necessary to their accomplishment; or whether it might select, among the measures which fairly promote such Constitutional ends, any method which it shall think for the public interest, exercising this power in a liberal way, and remembering in doing so that it is a Constitution—the vital power of a free people,—we are defining and limiting, and not an ordinary power of attorney.

This question first came up in Washington's Administration, on the bill for establishing a National Bank. Seldom any doubt is raised now as to the Constitutional power of the National Government to accomplish and secure any of the great results which we could not secure before the war, by reason of what is called the doctrine of State Rights. Democrat and Republican, men of the South and men of the North, now agree in exercising without a scruple the power of Congress to protect American interests by the tariff, to endow and to subsidize railroads across the continent, and to build an Oceanic canal.

I have in my possession, in Roger Sherman's and James Madison's handwriting, a paper which contains the first statement of a controversy which divided parties and sections, which inspired Nullification, and which entered largely in the strife which brought on the Civil War.

(In Roger Sherman's handwriting.) "You will admit that Congress have power to provide by law for raising, depositing and applying money for the purposes enumerated in the Constitution." X (and generally of regulating the finances). "That they have power so far as no particular rules are pointed out in the Constitution to make such rules and regulations as they may judge necessary and proper to effect these purposes. The only question that remains is—Is a bank (a necessary and) a proper measure for effecting these purposes? And is not this a question of expediency rather than of right?"

(The following, on the same slip of paper, is in James Madison's handwriting.) "Feb. 4, 1791. This handed to J. M. by Mr. Sherman during the debate on the constitutionality of the bill for a National bank. The line marked X given up by him on the objection of J. M. The interlineation of 'a necessary &' by J. M. to which he gave no other answer than a smile."

The other matter relates to the power of removal from office. Upon that the Constitution is silent. In the beginning two views were advocated. There was a great debate in 1789, which Mr. Evarts declares, "decidedly the most important and best considered debate in the history of Congress." The claim that the power of removal is vested absolutely in the President by the Constitution prevailed in the House of Representatives, under the lead of Madison, by a majority of twelve, and by the casting vote of John Adams in the Senate. Mr. Madison said:

"The decision that is at this time made will become the permanent exposition of the Constitution; and on a permanent exposition of the Constitution will depend the genius and character of the whole Government."

One party claimed that the power of removal was a necessary incident to the power of appointment, and vested in the President by virtue of his power to appoint. It was claimed also on the same side that the President's duty to see the laws faithfully executed could not be discharged if subordinates could be kept in office against his will. In most cases the President never executes the laws himself, but only has to see them executed faithfully.

This view prevailed, as we have seen, in Washington's Administration. It continued to be acted upon till the time of President Johnson. In General Jackson's time its soundness was challenged by Webster, Calhoun and Clay. But there was no attempt to resist it in practice. Mr. Webster in 1835 earnestly

dissented from the original decision, while he admitted that he considered it "a settled point; settled by construction, settled by precedent, settled by the practice of the Government, and settled by statute." It remained so settled, until, in the strife which followed the rebellion, a two-thirds majority in Congress was induced by apprehension of a grave public danger to attempt to wrest this portion of the executive power from the hands of Andrew Johnson. The statute of March 2, 1867, as construed by nearly two-thirds of the Senate, enacted that officers appointed by the predecessor of President Johnson, who, by the law in force when they were appointed, and by the express terms of their commission, were removable at the pleasure of the President, should remain in office until the Senate should consent to the appointment of their successors, or approve their removal.

In 1867 Congress undertook to determine by statute the construction of the Constitution as to this disputed question. Some persons claimed that that power existed in the provision—"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department officer thereof."

The Constitutionality and effect of this statute were debated on the trial of President Johnson. But it served its purpose during the last two years of Johnson's Administration. Five days after Grant's inauguration, the House of Representatives, by a vote of 138 to 16, passed a bill totally repealing it. The Senate was unwilling to let go the hold which it had acquired on the Executive power, but proposed to suspend the law for one year, so that there might be no obstacle in the path of General Grant to the removal of the obnoxious officials who had adhered to Andrew Johnson. So a compromise was agreed upon. It permitted the President to suspend officers during the vacation of the Senate, but restored officers so suspended at the close of the next session, unless, in the meantime, the advice and consent of the Senate had been obtained to a removal or the appointment of a successor.

President Grant, in his message of December, 1869, urged the repeal of this modified act on the ground that—

"It could not have been the intention of the framers of the Constitution that the Senate should have the power to retain in office persons placed there by Federal appointment, against the will of the President. The law is inconsistent with a faithful and efficient administration of the Government. What faith can an Executive put in officials forced on him, and those, too, whom he has suspended for reason? How will such officials be likely to serve an Administration which they know does not trust them?"

The House acted on this recommendation, and passed a bill for the repeal of the statutes of 1867 and 1869 by a vote of 159 to 25. For this bill the whole Massachusetts delegation, including Mr. Dawes and myself, voted. It was never acted on in the Senate. In 1872 a similar bill passed the House without a division.

The Democratic Party has invariably supported the position of Madison and Jackson, that the power of removal is vested by the Constitution in the President, and cannot be controlled by legislation.

This was the condition of matters when Mr. Cleveland came into office March 4, 1885. The Revised Statutes, Sections 1767-1772, contained in substance the law as it was left by the legislation of 1867 and 1869 (Sec. 1767): "Every person holding any civil office to which he has been or hereafter may be appointed by and with the consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he was appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor, in his place, except as herein otherwise provided."

The President was however authorized to suspend civil officers during the recess, except Judges, until the next session of the Senate, and to designate a substitute who should discharge the duties of the office, himself being subject to removal by the designation of another.

The President was further required to nominate within thirty days after the commencement of each session of the Senate persons to fill all vacancies in office, which existed at the meeting of the Senate, whether temporarily filled or not, and in place of all officers suspended. If no appointment were made, with the advice and consent of the Senate during such session, the office was to be in abeyance.

It will be seen that this statute required the assent of the Senate to the exercise of the President's power of removal, although without its consent he could suspend the officer so as to deprive him of the emoluments of his office.

So the appointment of a new officer by the advice and consent of the Senate operated in such case as a removal of the person then holding office, and a failure of the Senate to confirm such proposed

appointment had the effect to restore the officer suspended, or temporarily removed.

Under these conditions there grew up a very earnest controversy between President Cleveland and the Republican majority in the Senate, led by the Judiciary Committee, of which Mr. Edmunds was then Chairman. It has been, I suppose from the beginning of the Government, the practice of the President to furnish to the Senate all papers and documents in his possession relating to the fitness of officials nominated to the Senate.

Mr. Cleveland made no objection, if I understood him correctly, to continuing that practice. But he claimed that the Senate had nothing to do with the exercise of his power of removal, and therefore was not entitled to be informed of the evidence upon which he acted in that. So he refused and sustained the heads of Departments in refusing the request of the Senate to send for its information the documents on file relating to removals.

This position was encountered by the Republican majority, some of them claiming that the Senate had the same rightful share in the removals as in appointments, and that no difference was to be made between the two cases. Others believed, as I did, that although the power of removal might be exercised by the President alone on his own responsibility, without requiring the advice and consent of the Senate, still that while the President was proceeding under the law by which the appointment itself operated as a removal, and a failure to affirm the appointment restored the old officer to his place again, that the Senate whose action was to have that important effect, was entitled not only to know whether the public interest would be served by the appointment of the proposed official on his own merits solely, but also whether it would be best served by the removal of his predecessor or by the restoration to office of his predecessor. Both the President and the Senate were acting under the existing law, treating it as in force and valid. Now suppose it were true that the question of advising and consenting to the appointment proposed by the President were a very doubtful one indeed, the question on its merits being closely balanced; and the officer to be removed or restored according as the Senate should consent or refuse to consent, was a man of conspicuous and unquestioned capacity and character, against whom no reasonable objection was brought, to be removed for political reasons solely. The Senate certainly, in exercising its power had the right to consider all that the President had a right to consider, and therefore it seems to me that we were justified, in that class of cases, in asking for the documents in his possession bearing upon the question of removal.

It will be observed that in none of the arguments of this Constitutional question has it been claimed that the President had the right without statute authority to suspend public officers, even if he had the right to remove them. That right, if he had it at all, he got under the statute under which he and the Senate were acting.

On the 17th of July, 1885, the President issued an order suspending George M. Duskin of Alabama, from the office of Attorney of the United States, by virtue of the authority conferred upon him by Sec. 1768 of the Revised Statutes, which is a reenactment of the law of which I have just spoken.

On the 14th of December, 1885, the President nominated to the Senate John D. Burnett, vice George M. Duskin, suspended. The Chairman of the Committee on the Judiciary, as had been usual in such cases, addressed a note to the Attorney-General, asking that all papers and information in the possession of the Department touching the conduct and administration of the officer proposed to be removed, and touching the character and conduct of the person proposed to be appointed, be sent to the Committee for its information. To this the Attorney-General replied that he was directed by the President to say that there been sent already to the Judiciary Committee all papers in the Department relating to the fitness of John D. Burnett, recently nominated, but that it was not considered that the public interests would be promoted by a compliance with said resolution and the transmission of the papers and document therein mentioned to the Senate in Executive session.

That made a direct issue. Thereupon a very powerful report affirming the right of the Senate to require such papers was prepared by Mr. Edmunds, Chairman of the Committee on the Judiciary, and signed by George F. Edmunds, Chairman, John J. Ingalls, S. J. R. McMillan, George F. Hoar, James F. Wilson and William M. Evarts.

This was accompanied by a dissenting report by the minority of the Committee, signed by James L. Pugh, Richard Coke, George C. Vest and Howell E. Jackson, afterward Associate Justice of the Supreme Court of the United States.

So it will be seen that the two sides were very powerfully represented. The report of the Committee was encountered by a message from President Cleveland, dated March 1, 1886, in which the President claimed that these papers in the Attorney-General's Department were in no sense upon its files, but were deposited there for his convenience. He said: "I suppose if I desired to take them into my custody I might do so with entire propriety, and if I saw fit to destroy them no one could complain." Continuing,

the President says that the demands of the Senate "assume the right to sit in judgment upon the exercise of my exclusive discretion and Executive function, for which I am solely responsible to the people from whom I have so lately received the sacred trust of office."

He refers to the laws upon which the Senate based its demand and said: "After an existence of nearly twenty years of almost innocuous desuetude these laws are brought forth—apparently the repealed as well as the unrepealed—and put in the way of an Executive who is willing, if permitted, to attempt an improvement in the methods of administration. The Constitutionality of these laws is by no means admitted."

The President seemed to forget that he had taken action under those laws, and had expressly cited them as the authority for his action, in his message announcing the suspension of the official.

The controversy waxed warm in the Senate, and in the press throughout the country. The effect of it was that the confirmation of Mr. Cleveland's nominees for important offices was postponed for several months, in some cases eight to ten, but as they were exercising their functions under temporary appointments, it made no difference to them. When they were at last confirmed by the Senate, they received commissions dated from the appointment which took place after the advice and consent of the Senate. So the four years, for which they could hold office, began to run then, and when a new Administration of a different politics came into power, they held their office for a period considerably more than four years, except a few who were actually removed by President Harrison.

I do not think the people cared much about the dispute. The sympathy was rather with President Cleveland. The people, both Republicans and Democrats, expected that the political control of the more important offices would be changed when a new party came into power, and considered Mr. Edmunds's Constitutional argument as a mere ingenious device to protract the day when their political fate should overtake the Republican officials.

I united with the majority of the Committee in the report, for the reasons I have stated above. I still think the position of the Senate right, and that of the President wrong. But I never agreed to the claim that the Senate had anything to do with the President's power of removal. So I took the first opportunity to introduce a bill repealing the provisions of the statute relating to the tenure of office, which interfered with the President's power of removal, so that we might go back again to the law which had been in force from the foundation of the Government, in the controversy with President Jackson. A majority of the Republicans had attempted to do that, as I have said, in the first session of Congress under President Grant. But it had been defeated by the Senate. So I introduced in the December session, 1886, a bill which became a law March 3, 1887, as follows:

"Be enacted, etc., That sections 1767, 1768, 1769, 1770, 1771, and 1772 of the Revised Statutes of the United States are hereby repealed.

"Sec. 2. This repeal shall not affect any officer heretofore suspended under the provisions of said sections, or any designation, nomination or appointment heretofore made by virtue of the provisions thereof.

"Approved, March 3, 1887."

But the blood of my Republican associates was up. I got a few Republican votes for my Bill. It passed the House by a vote of 172 to 67. Every Massachusetts Representative voted for the Bill, as did Speaker Reed. But in general the votes against it were Republican votes. Governor Long made an able speech in its favor.

In the Senate three Republicans only voted with me. Among the nays were several Senators who, as members of the House, had voted for a Bill involving the same principle in 1869. Mr. Evarts, though absent at the time of this vote, declared his approval of the Bill in debate; and so, I think, did Mr. Dawes, although of that I am not sure. Mr. Edmunds opposed it with all his might and main.

Mr. Sherman, always a good friend of mine, remonstrated with me. He asked me with great seriousness, if I was conscious of the extent of the feeling among the Republicans of the Senate at my undertaking to act in opposition to them on this and one or two other important matters, to which he alluded. I replied that I must of course do what seemed to be my duty, and that in my opinion I was rendering a great service to the Republican Party in getting rid of the controversy in which the people sympathized generally with the Democrats, and that I thought the gentlemen who differed from me, would come to my way of thinking pretty soon. The result proved the soundness of my judgment. I do not think a man can be found in the Senate now who would wish to go back to the law which was passed to put fetters on the limbs of Andrew Johnson. I have asked several gentlemen who voted against the repeal whether they did not think so, and they all now agree that the measure was

eminently wise and right. The opposition to the statute of 1887 was but the dying embers of the old fires of the Johnson controversy.

CHAPTER XII FISHERIES

If, on looking back, I were to select the things which I have done in public life in which I take the most satisfaction, they would be, the speech in the Senate on the Fisheries Treaty, July 10, 1886, the letter denouncing the A. P. A., a secret, political association, organized for the purpose of ostracizing our Catholic fellow-citizens, and the numerous speeches, letters and magazine articles against the subjugation of the Philippine Islands.

I do not think any one argument, certainly that my argument, caused the defeat of the Fisheries Treaty, negotiated by Mr. Joseph Chamberlain and Mr. Bayard during Mr. Cleveland's first Administration. The argument against it was too strong not to have prevailed without any one man's contribution to it; and the Senate was not so strongly inclined to support President Cleveland as to give a two-thirds majority to a measure, unless it seemed clearly for the public interest. He had his Republican opponents to reckon with, and the Democrats in the Senate disliked him very much, and gave him a feeble and half-hearted support.

The question of our New England fisheries has interested the people of the country, especially of New England, from our very early history. Burke spoke of them before the Revolutionary War, as exciting even then the envy of England. One of the best known and most eloquent passages in all literature is his description of the enterprise of our fathers. Burke adds to that description:

"When I reflect upon the effects, when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt and die away within me. My rigor relents. I pardon something to the spirit of Liberty."

The War of the Revolution, of course, interrupted for a time the fisheries of the American colonies. But the fishermen were not idle. They manned the little Navy whose exploits have never yet received from history its due meed of praise. They furnished the ships' companies of Manly and Tucker and Biddle and Abraham Whipple. They helped Paul Jones to strike terror into St. George's Channel. In 1776, in the first year of the Revolutionary War, American privateers, most of them manned by our fishermen, captured three hundred and forty-two British vessels.

The fisheries came up again after the war. Mr. Jefferson commended them to the favor of the nation in an elaborate and admirable report. He said that before the war 8,000 men and 52,000 tons of shipping were annually employed by Massachusetts in the cod and whale fisheries. England and France made urgent efforts and offered large bounties to get our fishermen to move over there.

For a long time the fisheries were aided by direct bounties. Later the policy of protection has been substituted.

John Adams has left on record that when he went abroad as our representative in 1778, and again when the Treaty of 1783 was negotiated, his knowledge of the fisheries and his sense of their importance were what induced him to take the mission. He declared that unless our claims were fully recognized, the States would carry on the war alone. He said:

"Because the people of New England, besides the natural claim of mankind to the gifts of Providence on their coast, are specially entitled to the fishery by their charters, which have never been declared forfeited."

In the debate on the articles of peace in the House of Lords, Lord Loughborough, the ablest lawyer of his party, said:

"The fishery on the shores retained by Britain is in the next article not ceded, but recognized as a right inherent in the Americans, which though no longer British subjects, they are to continue to enjoy unmolested."

This was denied nowhere in the debate.

John Adams took greater satisfaction in his achievement when he secured our fisheries in the treaty of 1783 than in any other of the great acts of his life.* After the treaty of 1783 he had a seal struck with the figures of the pine tree, the deer and the fish, emblems of the territory and the fisheries secured in 1783. He had it engraved anew in 1815 with the motto, "Piscemur, venemur, ut olim." I have in my possession an impression taken from the original seal of 1815. This letter from John Quincy Adams tells its story:

"QUINCY, September 3, 1836.

"My Dear Son: On this day, the anniversary of the definitive treaty of peace of 1783, whereby the independence of the United States of America was recognized, and the anniversary of your own marriage, I give you a seal, the impression upon which was a device of my father, to commemorate the successful assertion of two great interests in the negotiation for the peace, the liberty of the fisheries, and the boundary securing the acquisition of the western lands. The deer, the pine tree, and the fish are the emblems representing those interests.

"The seal which my father had engraved in 1783 was without the motto. He gave it in his lifetime to your deceased brother John, to whose family it belongs. That which I now give to you I had engraved by his direction at London in 1815, shortly after the conclusion of the treaty of peace at Ghent, on the 24th of December, 1814, at the negotiation of which the same interests, the fisheries, and the bounty had been deeply involved. The motto, 'Piscemur, venemur, ut olim,' is from Horace.

"I request you, should the blessing of heaven preserve the life of your son, Charles Francis, and make him worthy of your approbation, to give it at your own time to him as a token of remembrance of my father, who gave it to me, and of yours.

"JOHN QUINCY ADAMS."

"My son Charles Francis Adams."

[Footnote]

* See Ante, p. 131.

[End of Footnote]

The negotiations of 1815 and 1818 were under the control of as dauntless and uncompromising a spirit, and one quite as alive to the value of the fisheries and the dishonor of abandoning them as that of John Adams himself. If John Quincy Adams, the senior envoy at Ghent, and the Secretary of State in 1818, had consented to a treaty bearing the construction which is lately claimed he never could have gone home to face his father. When the War of 1812 ended, Great Britain set up the preposterous claim that the war had abrogated all treaties, and that with the treaty of 1783 our rights in the fisheries were gone. There was alarm in New England; but it was quieted by the knowledge that John Quincy Adams was one of our representatives. It was well said at that time that, as

"John Adams saved the fisheries once, his son would a second time."

When someone expressed a fear that the other commissioners would not stand by his son, the old man wrote in 1814, that—

"Bayard, Russell, Clay, or even Gallatin, would cede the fee-simple of the United States as soon as they would cede the fisheries." (pp. 21-22).

These fisheries still support the important city of Gloucester, and are a very valuable source of wealth to the hardy and enterprising people who maintain them. Their story is full of romance. A touching yearly ceremonial is celebrated at the present time in Gloucester in commemoration of the men who are lost in this dangerous employment.

But the value of the fisheries does not consist chiefly in historic association or in the wealth which they contribute to any such community.

They are the nursery of seamen, more valuable and less costly than the Naval School at Annapolis. They train the men who are employed in them to get to be at home on the sea. They are valuable for naval officers and for sailors. Whenever there shall be a war with a naval power, they will be thrown out of employ, and will seek service in our Navy. All the English authorities, I believe, concur in this opinion. I read in my speech a very interesting letter from Admiral Porter who testified strongly to that effect.

While it is true that many of our common sailors engaged in our cod and other fisheries are of foreign birth, it is equally true that they, almost all of them, come to live in this country, get naturalized and become ardent Americans. This is true of the natives of the British Dominions. But it is still more true of the Scandinavians, a hardy and adventurous race, faithful and brave, who become full of the spirit of American nationality.

Mr. Bayard who was, I think, inspired by a patriotic and praiseworthy desire to establish more friendly relations with Great Britain, seemed to me to give away the whole American case, and to have been bamboozled by Joseph Chamberlain at every point. The Treaty gave our markets to Canada without anything of value to us in return, and afforded no just indemnity for the past outrages of which

we justly complained, and gave no security for the future.

The Treaty, which required a two-thirds majority for its ratification, was defeated by a vote of twenty-seven yeas to thirty nays. There were nine Senators paired in the affirmative, and eight in the negative. The vote was a strict party vote, with the exception of Messrs. Palmer and Turpie, Democrats, who were against it.

I discussed the subject with great earnestness, going fully into the history of the matter, and the merits of the Treaty. I think I may say without undue vanity that my speech was an important and interesting contribution to a very creditable chapter of our history.

CHAPTER XIII THE FEDERAL ELECTIONS BILL

In December, 1889, the Republican Party succeeded to the legislative power in the country for the first time in sixteen years. Since 1873 there had been a Democratic President for four years, and a Democratic House or Senate or both for the rest of the time. There was a general belief on the part of the Republicans, that the House of Representatives, as constituted for fourteen years of that time, and that the Presidency itself when occupied by Mr. Cleveland, represented nothing but usurpation, by which, in large districts of the country, the will of the people had been defeated. There were some faint denials at the time when these claims were made in either House of Congress as to elections in the Southern States. But nobody seems to deny now, that the charges were true. Mr. Senator Tillman of South Carolina stated in my hearing in the Senate:

"We took the Government away. We stuffed ballot boxes. We shot them. We are not ashamed of it. The Senator from Wisconsin would have done the same thing. I see it in his eye right now. He would have done it. With that system—force, tissue ballots, etc.—we got tired ourselves. So we called a Constitutional Convention, and we eliminated, as I said, all of the colored people whom we could under the fourteenth and fifteenth amendments.

"I want to call your attention to the remarkable change that has come over the spirit of the dream of the Republicans; to remind you, gentlemen of the North, that your slogans of the past—brotherhood of man and fatherhood of God—have gone glimmering down the ages. The brotherhood of man exists no longer, because you shoot negroes in Illinois, when they come in competition with your labor, and we shoot them in South Carolina, when they come in competition with us in the matter of elections. You do not love them any better than we do. You used to pretend that you did; but you no longer pretend it, except to get their votes.

"You deal with the Filipinos just as you deal with the negroes, only you treat them a heap worse."

No Democrat rose to deny his statement, and, so far as I know, no Democratic paper contradicted it. The Republicans, who had elected President Harrison and a Republican House in 1888, were agreed, with very few exceptions, as to the duty of providing a remedy for this great wrong. Their Presidential Convention, held at Chicago in 1888, passed a resolution demanding, "effective legislation to secure integrity and purity of elections, which are the fountains of all public authority," and charged that the "present Administration and the Democratic majority in Congress owe their existence to the suppression of the ballot by a criminal nullification of the Constitution and the laws of the United States."

In the Senate at the winter session of 1888 and at the beginning of the December session of 1889, a good many Bills were introduced for the security of National elections. Similar Bills were introduced in the House. A special Committee was appointed there to deal with that subject. I had, myself, no doubt of the Constitutional authority of Congress, and of its duty, if it were able, to pass an effective law for that purpose.

I was the Chairman of the Committee on Privileges and Elections, and it was my duty to give special attention to that subject. I had carefully prepared a Bill in the vacation, based on one introduced by Mr. Sherman, providing for holding, under National authority, separate registrations and elections for Members of Congress. But when I got to Washington, I found, on consultation with every Republican Senator except one, that a large majority were averse to an arrangement which would double the cost of elections throughout the country, and which, in States where personal registration every year is required, would demand from every citizen his presence at the place of polling or registration four times every alternate year. That is, in the years when there were Congressmen to be elected he must go twice to be registered—once for the State election, and once for the Congressional—and twice to vote. So I drew another Bill. I say I drew it. But I had the great advantage of consultation with Senator Spooner of Wisconsin, a very able lawyer who had lately come to the Senate, and I can hardly say that the Bill, as it was finally drafted, was more mine or his. This Bill provided, in substance, that there

should be National officers of both parties who should be present at the registration and election of Members of Congress, and at the count of the vote, and who should know and report everything which should happen, so that all facts affecting the honesty of the election and the return might be before the House of Representatives. To this were added some section providing for the punishment of bribery, fraud and misconduct of election officers.

In the meantime the House of Representatives had appointed a special Committee charged with a similar duty. Members of that Committee saw me, and insisted, with a good deal of reason, that a measure which concerned the election of members of the House of Representatives, should originate in that body. Accordingly the Senate Committee held back its Bill, and awaited the action of the House, which sent a Bill to the Senate, July 15, 1890. The House Bill dealt not only with the matter of elections, but also with the selection of juries, and some other important kindred subjects. Our Committee struck out from it everything that did not bear directly on elections; mitigated the severity of the penalties, and reduced the bulk of the Bill very considerably. The measure was reported in a new draft by way of substitute. It remained before the Senate until the beginning of the next Session, when it was taken up for action. It was a very simple measure.

It only extended the law which, with the approbation of both parties, had been in force in cities of more than twenty thousand inhabitants, to Congressional districts, when there should be an application to the Court, setting forth the necessity for its protection. That law had received the commendation of many leading Democrats, including S. S. Cox, Secretary Whitney, the four Democratic Congressmen who represented Brooklyn, and General Slocum, then Representative at large from the State of New York. It had been put in force on the application of Democrats quite as often as on that of Republicans. We added to our Bill a provision that in case of a dispute concerning an election certificate, the Circuit Court of the United States in which the district was situated should hear the case and should award a certificate entitling the member to be placed on the Clerk's roll, and to hold his seat until the House itself should act on the case. That provision was copied from the English law of 1868 which has given absolute public satisfaction there. This was the famous Force Bill, and the whole of it—a provision that, if a sufficient petition were made to the court for that purpose, officers, appointed by the court, belonging to both parties should be present and watch the election; that the Judge of the Circuit Court should determine, in case of dispute, what name should be put on the roll of the House of Representatives, in the beginning, subject to the Constitutional power of the House to correct it, and that a moderate punishment for bribery, intimidation and fraud, on indictment and conviction by a jury of the vicinage, should be imposed. That was the whole of it.

But the Southern Democratic leaders, with great adroitness, proceeded to repeat the process known as "firing the Southern heart." They persuaded their people that there was an attempt to control elections by National authority. They realized that the waning power of their party at the South, many of whose business men saw that the path of prosperity for the South as well as for the North lay in the adoption of Republican policies, might be reestablished by exciting the fear of negro domination. The Northern Democrats, either very ignorantly or wilfully, united in the outcry. Governor William E. Russell of Massachusetts, a gentleman of large influence and popularity with both parties, telegraphed to President Cleveland a pious thanksgiving for the defeat of this "wicked Bill."

Some worthy Republican Senators became alarmed. They thought, with a good deal of reason, that it was better to allow existing evils and conditions to be cured by time, and the returning conscience and good sense of the people, rather than have the strife, the result of which must be quite doubtful, which the enactment and enforcement of this law, however moderate and just, would inevitably create.

On reflection, I came myself to the conclusion that, while the Bill was reasonable and there was no reasonable doubt of the power of Congress to enact it, yet the attempt to pass it, if it were to fail, would do the cause infinite mischief. It would be an exhibition of impotence, always injurious to a political party. It would drive back into the Democratic Party many men who were afraid of negro domination; who looked with great dislike on the assertion of National power over elections, and whom other considerations would induce to act with the Republicans. So I thought it was best to ascertain carefully the prevailing opinion and see if we were likely to get the Bill through, and, if we found that unlikely, not to proceed far enough to have a debate in either House.

Accordingly I visited the House of Representatives, saw several of my Massachusetts colleagues and some other leaders. They agreed that, if I found that the Bill could not, in all probability, pass the Senate, it should be arranged to lay it aside in the House without making any serious movement for it there. After that arrangement was made there was a Senate caucus. I brought up the matter and moved the appointment of a Committee to consider the whole question of legislation with reference to the security of elections. A gentleman who had recently become a Member of the Senate rose and quite angrily objected to taking up the matter for consideration. He declared that he would not consent to have the subject introduced in a Republican caucus. The proceedings of such caucuses are supposed to

be kept from the public. But they are pretty sure to leak out. I could not very well get up and say that my reason for asking for a committee was to see whether the law should be suppressed or not. So I did not urge my motion. But I did the best I could.

Before reporting the Bill I saw every Republican Senator and obtained his opinion upon it. I have in my possession the original memoranda of the various answers. Not only a majority of the Republican Senators, but a majority of the whole Senate declared emphatically for an Election Bill. I further consulted them whether the authority, in case of a disputed election, to order, upon hearing, the name of the person found to be elected to be placed on the roll should be lodged in the United States Courts, or in some special tribunal. Two or three preferred that the court should not be invoked. But a majority of the whole Senate favored vesting the power in the courts, and those who preferred another way stated that they were willing to abide by the judgment of the Committee.

When the House Bill came up, it was, on the 7th of August, 1890, reported favorably with my Bill as a substitute. Meantime the McKinley Tariff Bill, which Mr. Cleveland had made, so far as he could, the sole issue in the late election, had been matured and reported. It affected all the business interests of the country. They were in a state of uncertainty and alarm. Mr. Quay of Pennsylvania proposed a resolution to the effect that certain enumerated measures, not including the Election Bill, should be considered at that session, and that all others should be postponed. That, I suppose, would have had the entire Democratic support and Republicans enough to give it a majority. It would have postponed the Election Bill without giving any assurance of its consideration at the short session. So a conference of Republicans was held at which an agreement was made, which I drew up, and signed by a majority of the entire Senate. It entitled the friends of the Election Bill to be assured that it would be brought to a vote and passed at the short session, if there were then a majority in its favor. This is the agreement, of which I have the original, with the original signatures annexed, in my possession.

"We will vote: 1. To take up for consideration on the first day of the next session the Federal Election Bill, and to keep it before the Senate to the exclusion of other legislative business, until it shall be disposed of by a vote. 2. To make such provision as to the time and manner of taking the vote as shall be decided, by a majority of the Republican Senators, to be necessary in order to secure such vote, either by a general rule like that proposed by Mr. Hoar, and now pending before the committee on rules, or by special rule of the same purport, applicable only to the Election Bill."

At the next December session the Bill was taken up for consideration and, after a few days' debate, there was a motion to lay it aside. Since the measure had been first introduced, the sentiment in certain parts of the country in favor of the free coinage of silver had been strengthened. Several of the Republican Senators were among its most zealous advocates. There was a motion to lay aside the Election Bill which was adopted by a bare majority—the Democrats voting for it and several of the Silver Republican Senators, so-called. All but one of these had signed their names to the promise I have printed. I never have known by what process of reasoning they reconciled their action with their word. But I know that in heated political strife men of honor, even men of ability, sometimes deceive themselves by a casuistic reasoning which would not convince them at other times.

The Election Bill deeply excited the whole country. Its supporters were denounced by the Democratic papers everywhere, North and South, with a bitterness which I hardly knew before that the English language was capable of expressing. My mail was crowded with letters, many of them anonymous, the rest generally quite as anonymous, even if the writer's name were signed, denouncing me with all the vigor and all the scurrility of which the writers were capable. I think this is the last great outbreak of anger which has spread through the American people.

I got, however, a good deal of consolation from the staunch friendship and support of the Republicans of Massachusetts, which never failed me during the very height of this storm. Whittier sent me a volume of poetry which he had just published, with the inscription written on the blank leaf in his own hand, "To George F. Hoar, with the love of his old friend, John G. Whittier." I think I would have gone through ten times as much objurgation as I had to encounter for those few words.

There has never since been an attempt to protect National elections by National authority. The last vestige of the National statute for securing purity of elections was repealed in President Cleveland's second Administration, under the lead of Senator Hill of New York. I have reflected very carefully as to my duty in that matter. I am clearly of the opinion that Congress has the power to regulate the matter of elections of Members of the House of Representatives and to make suitable provisions for honest elections and an honest ascertainment of the result, and that such legislation ought to be enacted and kept on the statute book and enforced. But such legislation, to be of any value whatever, must be permanent. If it only be maintained in force while one political party is in power, and repealed when its antagonist comes in, and is to be constant matter of political strife and sectional discussion, it is better, in my judgment, to abandon it than to keep up an incessant, fruitless struggle. It is like legislation to

prohibit by law the selling of liquor. I believe that it would be wise to prohibit the sale of liquor, with the exceptions usually made in prohibitory laws. But if we are to have in any State, as we have had in so many States, a prohibitory law one year, another with different provisions the next, a license law the next, and the difficulty all the time in enforcing any of them, it is better to give the attempt at prohibition up and to adopt a local option, or high license, or some other policy. In other words, it is better to have the second best law kept permanently on the statute book than to have the best law there half the time.

So, after Senator Hill's repealing act got through the Senate, I announced that, so far as I was concerned, and so far as I had the right to express the opinion of Northern Republicans, I thought the attempt to secure the rights of the colored people by National legislation would be abandoned until there were a considerable change of opinion in the country, and especially in the South, and until it had ceased to be a matter of party strife. To that announcement, Senator Chandler of New Hampshire, who had been one of the most zealous advocates of the National laws, expressed his assent. That statement has been repeated once or twice on the floor of the Senate. So far as I know, no Republican has dissented from it. Certainly there has been no Bill for that purpose introduced in either House of Congress, or proposed, so far as I know, in the Republican press, or in any Republican platform since.

The question upon which the policy of all National election laws depends is, At whose will do you hold your right to be an American citizen? What power can you invoke if that right be withheld from you? If you hold the right at will of your State, then you can invoke no power but the State for its vindication. If you hold it at the will of the Nation, as expressed by the people of the whole Nation under the Constitution of the United States, then you are entitled to invoke the power of the United States for its enforcement whenever necessary. If you hold it at the will of the white Democracy of any State or neighborhood then, as unfortunately seems to be the case in a good many States, you will be permitted to exercise it only if you are a white man, and then only so long as you are a Democrat.

I have had during my whole life to deal with that most difficult of all political problems, the relation to each other, in a Republic, of men of different races. It is a question which has vexed the American people from the beginning of their history. It is, if I am not much mistaken, to vex them still more hereafter. First the Indian, then the Negro, then the Chinese, now the Filipino, disturb our peace. In the near future will come the Italian and the Pole and the great population of Asia, with whom we are soon to be brought into most intimate and close relation.

In my opinion, in all these race difficulties and troubles, the fault has been with the Anglo-Saxons. Undoubtedly the Indian has been a savage; the Negro has been a savage; the lower order of Chinamen have been gross and sometimes bestial. The inhabitants of the Philippine Islands, in their natural rights, which, as we had solemnly declared to be a self-evident truth, were theirs beyond question, have committed acts of barbarism. But in every case, these inferior and alien races, if they had been dealt with justly, in my opinion, would have been elevated by quiet, peaceful and Christian conduct on our part to a higher plane, and brought out of their barbarism. The white man has been the offender.

I have no desire to recall the story of the methods by which the political majorities, consisting in many communities largely of negroes and led by immigrants from the North, were subdued.

This is not a sectional question.

It is not a race question. The suffrage was conferred on the negro by the Southern States themselves. They can always make their own rules. If the negro be ignorant, you may define ignorance and disfranchise that. If the negro be vicious, you may define vice and disfranchise that. If the negro be poor, you may define poverty and disfranchise that. If the negro be idle, you may define idleness and disfranchise that. If the negro be lazy, you may define laziness and disfranchise that. If you will only disfranchise him for the qualities which you say unfit him to vote and not for his race or the color of his skin there is no Constitutional obstacle in your way.

So it was not wholly a race or color problem. It was largely a question of party supremacy. In three states, Alabama, South Carolina and Florida, white Democrats charged each other with stifling the voice of the majority by fraudulent election processes, and in Alabama they claimed that a majority of white men were disfranchised by a false count of negro votes in the black belt.

It was not wholly unnatural that the men who, in dealing with each other, were men of scrupulous honor and of undoubted courage should have brought themselves to do such things, or at any rate to screen and sympathize with the more hot-headed men who did them. The proof in the public records of those public crimes is abundant. With the exception of Reverdy Johnson of Maryland there is no record of a single manly remonstrance, or expression of disapproval from the lips of any prominent Southern man. But they had persuaded themselves to believe that a contest for political power with a party largely composed of negroes was a contest for their civilization itself. They thought it like a fight for life

with a pack of wolves. In some parts of the South there were men as ready to murder a negro who tried to get an office as to kill a fox they found prowling about a hen roost. These brave and haughty men who had governed the country for half a century, who had held the power of the United States at bay for four years, who had never doffed their hats to any prince or noble on earth, even in whose faults or vices there was nothing mean or petty, never having been suspected of corruption, who as Macaulay said of the younger Pitt, "If in an hour of ambition they might have been tempted to ruin their country, never would have stooped to pilfer from her," could not brook the sight of a Legislature made up of ignorant negroes who had been their own slaves, and of venal carpet-baggers. They could not endure that men, some of whom had been bought and sold like chattels in the time of slavery, and others ready to sell themselves, although they were freemen, should sit to legislate for their States with their noble and brave history. I myself, although I have always maintained, and do now, the equal right of all men of whatever color or race to a share in the government of the country, felt a thrill of sadness when I saw the Legislature of Louisiana in session in the winter of 1873.

There was a good deal to provoke them also in the character of some of the Northern men who had gone to the South to take an active part in political affairs. Some of them were men of the highest character and honor, actuated by pure and unselfish motives. If they had been met cordially by the communities where they took up their abode they would have brought to them a most valuable quality of citizenship. If Northern immigration and Northern capital had been welcomed at the South it would have had as helpful an influence as it had in California and Oregon. But the Southern men treated them all alike. I incline to think that a large number of the men who got political office in the South, when the men who had taken part in the Rebellion were still disfranchised, and the Republicans were still in power, were of a character that would not have been tolerated in public office in the North. General Willard Warner of Alabama, a brave Union soldier, a Republican Senator from that State, was one of the best and bravest men who ever sat in that body. Governor Packard of Louisiana was I believe a wise and honest man. But in general it was impossible not to feel a certain sympathy with a people, who whatever else had been their faults never were guilty of corruption or meanness, or the desire to make money out of public office, in the intolerable loathing which they felt for these strangers who had taken possession of the high places in their States.

President Grant gave the influence and authority of his Administration toward maintaining in power the lawfully chosen Republican State Governments. But in spite of all he could do they had all been overthrown but two when the Presidential election was held in 1876. Those two were South Carolina and Louisiana. The people of those two States had chosen Republican Governors at the State election held on the same day with the election of the President. But these Governors could not hold their power twenty-four hours without the support of the National administration. When that was withdrawn the negro and carpet-bag majority was powerless as a flock of sheep before a pack of wolves to resist their brave and unscrupulous Democratic enemy, however inferior the latter in numbers.

In attempting to give a dispassionate account of the history of this great question which has entered so deeply into the political and social life of the American people almost from the beginning, it is hard to measure the influence of race prejudice, of sectional feeling, and of that other powerful motive, eagerness for party supremacy.

Suffrage was conferred upon the negro by the Southern States themselves. Under the Constitution every State can prescribe its own qualifications for suffrage, with the single exception that no State can deny or abridge the right of a citizen of the United States to vote on account of race, color or previous condition of servitude.

But I am bound to say, indeed it is but to repeat what I have said many times, that my long conflict with their leaders has impressed me with an ever-increasing admiration of the great and high qualities of our Southern people. I said at Chicago in February, 1903, what I said, in substance, twenty years before in Faneuil Hall, and at about the same time in the Senate:

"Having said what I thought to say on this question, perhaps I may be indulged in adding that although my life, politically and personally, has been a life of almost constant strife with the leaders of the Southern people, yet as I grow older I have learned, not only to respect and esteem, but to love the great qualities which belong to my fellow citizens of the Southern States. They are a noble race. We may well take pattern from them in some of the great virtues which make up the strength, as they make the glory, of Free States. Their love of home; their chivalrous respect for women; their courage; their delicate sense of honor; their constancy, which can abide by an opinion or a purpose or an interest of their States through adversity and through prosperity, through the years and through the generations, are things by which the people of the more mercurial North may take a lesson. And there is another thing—covetousness, corruption, the low temptation of money has not yet found any place in our Southern politics.

"Now, my friends, we cannot afford to live, we don't wish to live, and we will not live, in a state of estrangement from a people who possess these qualities. They are our kindred; bone of our bone; flesh of our flesh; blood of our blood, and whatever may be the temporary error of any Southern State I, for one, if I have a right to speak for Massachusetts, say to her, 'Entreat me not to leave thee, nor to return from following after thee. For where thou goest I will go, and where thou stayest, I will stay also. And they people shall be my people, and thy God my God.'"

In July, 1898, I was invited to deliver an address before the Virginia Bar Association. I was received by that company of distinguished gentlemen with a hospitality like that I had found in Charleston the year before. Certainly the old estrangements are gone. I took occasion in my address to appeal to the Virginia bar to give the weight of their great influence in sustaining the dignity and authority of the Supreme Court, in spite of their disappointment at some of its decisions of Constitutional questions. They received what I had to say, although they knew I differed from them on some of the gravest matters which concerned the State, and had been an anti-slavery man from my youth, with a respect and courtesy which left nothing to be desired. At the banquet which followed the address, this toast was given by William Wirt Henry, a grandson of Patrick Henry, himself one of the foremost lawyers and historians of the South. I prize very highly the original which I have in his handwriting.

"Massachusetts and Virginia.

"Foremost in planting the English Colonies in America;

"Foremost in resisting British tyranny;

"Foremost in the Revolution which won our Independence
and established our free institutions;

"May the memories of the past be the bond of the future."

My own endeavor, during my long public life, has been to maintain the doctrine of the Declaration of Independence, which declares the right of every man to political equality by virtue of his manhood, and of every people to self-government by virtue of its character as a people. This our fathers meant to lay down as the fundamental law of States and of the United States, having its steadfast and immovable foundation in the law of God. It was never their purpose to declare that ignorance or vice or want of experience of the institutions of a country should not disqualify men from a share in the Government. Those things they meant to leave to the discretion of the power, whether State or National, which was to prescribe the qualifications of suffrage. But they did not mean that the accident of birthplace, or the accident of race, or the accident of color, should enter into the question at all. To this doctrine I have, in my humble way, endeavored to adhere. In dealing with the Chinese, or any class of immigrants, I would prescribe as strict a rule as the strictest for ascertaining whether the immigrant meant in good faith to be an American citizen, whether he meant to end his life here, to bring his wife and children with him, whether he loved American institutions, whether he was fit to understand the political problems with which the people had to deal, whether he had individual worth, or health of body or mind. I would make, if need be, ten years or twenty years, as the necessary period of residence for naturalization.

I would deal with the Negro or the German or the Frenchman or the Italian on the same principle. But the one thing I have never consented to is that a man shall be kept out of this country, or kept in a position of inferiority, while he is in it, because of his color, because of his birthplace, or because of his race.

One matter in connection with the management of the Elections Bill I have never been able to think of since without a shudder. The Democrats in the Senate, led by Mr. Gorman, the most skilful of their leaders, endeavored to defeat the bill by the tactics of delay. If the debate could be prolonged so that it was impossible to get a vote without the loss of the great Appropriations Bills, or some of them, the bill, of course, must be laid aside. So the Republicans, on the other hand, as is usual in such cases, refrained from debate, leaving their antagonists to take up the time. Every afternoon at about five o'clock some Democrat would come to me saying that he was to take the floor, but that he did not feel well, or was not quite ready with some material, and ask me as a personal favor to let the matter go over until the next morning. This happened so often that I became satisfied it was a concerted scheme, and made up my mind that I would not yield to such a request again.

But one afternoon Senator Wilson of Maryland, a quiet and most estimable gentleman, whom I had known very well, and for whom I had a high regard, came to me and said he felt quite unwell; he could go on that afternoon, if I insisted upon it; but he would like much better to put off speaking till the next day. I was just beginning my answer to the effect that I had heard that so often that I had determined I would not yield again to the request. But I said to myself, It cannot be possible that this man would undertake to deceive me. He is a gentleman of high character, absolutely honorable and incapable of falsehood. So I answered, Of course, Mr. Wilson, if you are ill, I will consent to your desire. Mr. Wilson made his speech the next day. This was December 15. A few weeks after, on the 24th of February, Mr.

Wilson died suddenly of heart disease. It was an affection of which he had been conscious for some years, and which he had for some time expected would cause sudden death. I dare say if he had been compelled to proceed with his speech that day it would have been fatal. In that case my life would have been embittered by the memory.

We had a meeting of the Republican members of the Committee, for consultation, before we reported the Bill. Mr. Evarts, while he approved the principle of the measure, shared very strongly my own hesitation, caused by the fear of the political effect of the defeat of a measure likely to excite so much angry strife throughout the country. After hearing the opinion of those who favored going on with the Bill, Mr. Evarts said: "I spent a Sunday with Judge Kent on the Hudson a good many years ago, with several New York lawyers. We all went to the Episcopal church in the forenoon, and dined with the Judge after church. During the service one of the company kept far behind in the responses, which annoyed the Judge a good deal. At dinner he broke out, 'Davis, why can't you descend into hell with the rest of the congregation?' I will descend into hell with the rest of the congregation."

Mr. Evarts made the descent and stood loyally by the measure in the debate to the best of his great ability.

CHAPTER XIV CONSTITUTIONAL AMENDMENTS AND THE PRESIDENTIAL SUCCESSION BILL

When I entered the Senate, I found one very serious inconvenience and one very great public danger in existing conditions.

The great inconvenience grew out of the fact that by the Constitution the session of Congress must end on the fourth of March every other year. A third of the Senate goes out at the same time, and every fourth year the Presidential term ends. That session of Congress meets, according to our usage, on the first Monday of December. The meeting cannot well come much earlier without preventing the members of the two Houses of Congress from taking part in the political campaign, where they are justly expected by the people to give an account of their stewardship, and to discuss the questions to be considered by the people in the election. So there are but thirteen weeks in which to pass fourteen or fifteen great Appropriation Bills, making it impossible to deal with any other great subject except by unanimous consent. The result is also that the Appropriation Bills are put in the power of a very few men indeed. The House has to submit to the dictation of the Appropriation Committee, and cannot be allowed to debate, or even to have a separate vote on matters which nearly the whole House would like to accomplish, if there were time, but which the Chairman of the Appropriation Committee, who is usually omnipotent with his associates, may happen to dislike. On the other hand, in the Senate, where there is no cloture rule, any single member, or at best, a very few members, can defeat an Appropriation Bill and compel an extra session by exercising their right of uncontrolled debate.

Besides; people from all parts of the country like to attend the inauguration of a new President. The fourth of March is at an inclement season, and is apt to be an inclement day, and it may come on Saturday or Sunday or Monday. So persons who attend may be obliged to be away from home over Sunday, and a great many persons have lost their health or life from exposure in witnessing the inauguration.

I prepared a Constitutional amendment providing that the inauguration should take place on the last Thursday in April. I have reported this to the Senate several times. It has always passed that body with scarcely a dissenting vote, on debate and explanation. If that had been adopted, if the session were to begin in the middle of November, a week after the November elections— which could be accomplished by an act of Congress—instead of thirteen weeks, to which the session is now limited, there would be a session of twenty-three or twenty-four weeks. This would give time for the consideration of such legislation as might be needful. It would probably, also, permit the shortening somewhat of the long session, which not infrequently extends to July or August. But the plan has never found much favor in the House. Speaker Reed, when he was in power, said rather contemptuously, that "Congress sits altogether too long as it is. The less we have of Congress, the better."

The public danger is found in the fact that there is no provision in the Constitution for the case where the President-elect dies before inauguration. The provision is:

"In case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice-President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice-President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability shall be removed, or a President shall be elected."

Strictly construed, it is only in the case of the death, inability, etc., of a President, that a Vice-President can succeed, or in the case of the death, inability, etc., of the President and Vice-President both, that Congress has power to declare on whom the office shall devolve. It must be a President and Vice-President that die; not merely a President and Vice-President-elect. That his is not an imaginary danger is shown by the fact of the well-known scheme to assassinate Lincoln on his way to the seat of the Government, and also by the fact that either the President or the Vice-President has died in office so many times in the recollection of men now living. President Harrison died during his term; President Taylor died during his term; Vice-President King died during Pierce's term; Vice-President Wilson died during Grant's term; President Garfield died during his term; Vice-President Hendricks died during Cleveland's term; Vice-President Hobart died during McKinley's term, and President McKinley during his own second term. So within sixty years eight of these high officials have died in office; five of them within thirty years; four of them within twenty years.

I have also drawn and repeatedly procured the passage through the Senate of an amendment to the Constitution to protect the country against this danger. That also has failed of attention in the House. I suppose it is likely that nothing will be done about the matter until the event shall happen, as is not unlikely, that both President and Vice-President-elect shall become incapacitated between the election and the time for entering upon office.

I was more successful in providing against another situation that might prove quite awkward. In Washington's Administration Congress exercised, as far as it could, the power given by the Constitution to provide against the death or disability of both the President and Vice-President, if it should happen after they had entered upon office, as follows:

"In case of removal, death, resignation or inability of both the President and the Vice-President of the United States, the President of the Senate, or, if there is none, then the Speaker of the House, for the time being, shall act as President, until the disability is removed or a President elected."

There is a tradition that when this awkward arrangement was made, the proposition that the Secretary of State should succeed in the case of such vacancy was defeated by the suggestion that Mr. Jefferson had too much power and consequence already. The arrangement seemed to me clearly objectionable. In the first place the Vice-President, who, it is supposed, has died or become incapable, is the Constitutional President of the Senate. The Senate, under the practice and construction of its power which prevailed down to a very recent period, only elected a President pro tempore when the Vice-President vacated the chair. His office terminated when the Vice-President resumed it, and there was no Constitutional obligation on the Senate to elect a President pro tempore at all. So it was quite uncertain whether there would be a President pro tempore of the Senate at any particular time, especially when the Senate was not in session. There have been two instances where the President of the Senate has refused to vacate the chair, for the reason that he did not desire to have a President pro tempore elected, and thereby have an honor conferred on a member of another party than his own. That happened once in the case of Vice-President Gerry, and again, within my personal knowledge, in the case of Vice-President Arthur. When he succeeded to the Presidency there was no President of the Senate who would have taken his place if he too had happened to be assassinated. So of the Speaker of the House. For a great many years the first session of a newly-elected House of Representatives has begun in December. There is no Speaker from the previous fourth of March until that time. Beside, the Senate, whose members hold office for six years and of whom only one-third goes out every two years, is very apt to have a majority whose political opinions are opposed to those which have prevailed in the last Presidential election. So, if the President and Vice-President both die before taking their seats, the President of the Senate is quite likely to bring into the Executive Office opinions which the people have just rejected in the election.

On the other hand, the Secretary of State is always a member of the party that has prevailed in the last election, and is usually the member of the party, next to the President himself, highest in its confidence. Our Secretaries of State, with rare exceptions, have been among the very ablest public men of the country. Among them have been Timothy Pickering, John Marshall, James Madison, James Monroe, John Quincy Adams, Henry Clay, Martin Van Buren, Edward Livingston, Louis McLane, John Forsyth, Daniel Webster, John C. Calhoun, James Buchanan, John M. Clayton, Edward Everett, Elihu B. Washburne, Hamilton Fish, William M. Evarts, James G. Blaine, Thomas F. Bayard, John Sherman, and John Hay. These men, with scarcely an exception, have been among the very foremost statesmen of their time. Several of them have been Presidents of the United States, and a good many more of them have been prominent candidates for the Presidency. On the other hand, the list of Presidents of the Senate contains few names of any considerable distinction. Another objection to the arrangement was the fact that the President of the Senate and the Speaker of the House might be changed at the will of the body that elected them. So the acting President might be displaced at the will of a political body. There is a good deal of reason, also, for claiming that if Congress declare that the officer shall act as President, he must discharge the duties of his office and the duties of the President at the same time, a

burden which would be very hard for one man to support. Accordingly I drew and introduced the existing law, which reads as follows:

"Be it enacted, etc., That in case of removal, death, resignation or inability of both the President and Vice-President of the United States, the Secretary of State, or if there be none, or in case of his removal, death, resignation or inability, then the Secretary of the Treasury, or if there be none, or in the case of his removal, death, resignation or inability, then the Secretary of War, or if there be none, or in case of his removal, death, resignation or inability, then the Attorney-General, or if there be none, or in case of his removal, death, resignation or inability, then the Secretary of the Interior, shall act as President until the disability of the President or Vice-President is removed or a President shall be elected:

"Provided, That whenever the powers and duties of the office of President of the United States shall devolve upon any of the person named herein, if Congress be not then in session, or if it would not meet in accordance with law within twenty days thereafter, it shall be the duty of the person upon whom said powers and duties shall devolve to issue a proclamation convening Congress in extraordinary session, giving twenty days' notice of time of meeting.

"Sec. 2. That the preceding section shall only be held to describe and apply to such officers as shall have been appointed by the advice and consent of the Senate to the offices therein named, and such as are eligible to the office of President under the Constitution, and not under impeachment by the House of Representatives of the United States at the time the powers and duties of the office shall devolve upon them respectively.

"Sec. 3. That sections one hundred and forty-six, one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine and one hundred and fifty of the Revised Statutes are hereby repealed. (*January* 19, 1886)."

There was some objection to it at first. It was resisted very strenuously to the end by Senator Edmunds. But after full discussion it passed the Senate with few dissenting votes.

In the House Mr. Reed, afterward Speaker, appealed without success to the political feeling of his associates, demanding to know if they would rather have Mr. Bayard, who was then Secretary of State, than John Sherman, who then happened to be President of the Senate, for President of the United States. But the House, also, by a large majority, passed the measure.

CHAPTER XV PRESIDENT CLEVELAND'S JUDGES

I earnestly supported William B. Hornblower against the opposition of Senator Hill, when he was nominated by Mr. Cleveland for Judge of the Supreme Court of the United States. I was then on the Judiciary Committee. I made very careful inquiry, and had reason to believe that the best lawyers in New York thought highly of him. Judge Gray told me that Mr. Hornblower had argued a case in the Court not long before, and that as the Judges walked out Judge Blatchford said to him: "I hope you have as good a man in your Circuit to succeed you, when the time comes, as we have in ours in Mr. Hornblower to succeed me."

I did not, however, support Mr. Wheeler H. Peckham. The newspapers circulated the story extensively that—to use the phrase of one of them—I "led the opposition." That was not true. I expected to vote for Mr. Peckham until just before the vote was taken. I had communicated my expectation to support him to Senator Vilas, who had charge of the case. I thought before the vote was taken it was my duty to tell him I had changed my mind. So I went round to his seat and told him. Nobody else knew my purpose till I voted.

I had no political sympathy with Senator Hill, still less with the claim often imputed to the Senate by writers of newspapers, but of which I have never seen the slightest evidence, that Senators have the right to dictate such appointments. But I thought Mr. Cleveland ought not to have made such an appointment without consulting Mr. Hill, who was a lawyer of eminence and knew the sentiment of the majority of the Democratic Party. Mr. Cleveland had nominated in succession two persons to an office which ought to be absolutely non-partisan, who belonged to a very small company of men devoted to his personal fortunes, who had bitterly attacked Mr. Hill. I should not, however, have deemed this objection sufficient to justify a vote against Mr. Peckham, but for the fact that I became satisfied he was a man of strong prejudices, with little of the judicial temper or quality about him, and quite likely to break down under the strain of heavy responsibility.

I urged Mr. Vilas to ask President Cleveland to send in the name of Mr. Hornblower again, having some hope that the Senate would reconsider its action in his case. But President Cleveland solved the

difficulty quite skilfully by sending in the name of Senator White of Louisiana, a most admirable gentleman and Judge, and afterward, when there came another vacancy, that of Rufus W. Peckham of New York, both of whom were confirmed, I believe, without an objection.

I just referred to Senator William F. Vilas, of Wisconsin. I should like to put on record my great esteem for his character as a man, and the excellence of his service as a Senator. He was on the Judiciary Committee while I was Chairman, and also for a time when his party had the majority. He was industrious, wise, conservative, courteous, and fair, a most admirable lawyer, full of public spirit, well acquainted with the mechanism of the Government, and doing always much more than his full share of the work of the Committee and of the Senate. I hope the country may have again the benefit of his great ability in some department of the public service.

Chief Justice Fuller said with singular felicity:

"Mr. Justice Lamar always underrated himself. This tendency plainly sprung from a vivid imagination. With him the splendid passions attendant upon youth never faded into the light of common day, but they kept before him as an ideal, the impossibility of whose realization, as borne in upon him from time to time, opposed him with a sense of failure. Yet the conscientiousness of his work was not lessened, nor was the acuteness of his intellect obscured by these natural causes of his discontent; nor did a certain Oriental dreaminess of the temperament ever allure him to abandon the effort to accomplish something that would last after his lips were dumb."

Matthew Arnold says in one of his essays that Americans lack distinction. I have a huge liking for Matthew Arnold. He had a wonderful intellectual vision. I do not mean to say that his three lectures on translating Homer are the greatest literary work of our time. But I think, on the whole, that I should rather have the pair of intellectual eyes which can see Homer as he saw him, than any other mental quality I can think of. But Mr. Arnold has never seemed to me to be fortunate in his judgment about Americans. He allows this quality of distinction to Grant, but denies it, for all the world, to Abraham Lincoln. The trouble with Mr. Arnold is that he never travelled in the United States, when on this side the Atlantic. He spent his time with a few friends who had little love for things American. He visited a great city or two, but never made himself acquainted with the American people. He never knew the sources of our power, or the spirit of our people.

Yet there is a good deal of truth in what he says of the Americans of our time. It is still more true of the Englishmen of our time. The newspaper, and the telegraph, and the telephone, and the constant dissemination of news, the public library and the common school and college mix up all together and tend to make us, with some rare and delightful exceptions, eminently commonplace. Certainly the men who are sent to Congress do not escape this wearying quality. I know men who have been in public office for more than a generation, who have had enormous power and responsibility, to whom the country is indebted for safety and happiness, who never said a foolish thing, and rarely ever when they had the chance failed to do a wise one, who are utterly commonplace. You could not read the story of their public career without going to sleep. They never said anything worth quoting, and never did anything that any other equally good and sensible man would not have done in their place. I have a huge respect for them. I can never myself attain to their excellence. Yet I would as lief spend my life as an omnibus horse as live theirs.

But we have occasionally some delightful exceptions. It so happens that some of the best, most attractive men I have known, were from the South. They are men who stood by the Southern people through thick and thin during the Rebellion, and in resisting every attempt on the part of the victorious Northern majority to raise the colored people to a political equality. They have all of them, I believe, been Free Traders. In general they have opposed the construction of the Constitution which has prevailed in New England and throughout the North, and in which I have myself always believed.

I have never had much personal intimacy with any of them. I have had some vigorous conflicts with one or two of them. Yet I have had from each before our association ended, assurances of their warm personal regard. One of them, perhaps, on the whole, the most conspicuous, is Lucius Q. C. Lamar. His very name, Lucius Quintus Cincinnatus, indicates that his father must have looked for his example for his son to follow far away from the American life about him.

Lamar was one of the most delightful of men. His English style, both in conversation and in public speaking, was fresh and original, well adapted to keep his hearers expectant and alert, and to express the delicate and subtle shades of meaning that were required for the service of his delicate and subtle thought.

He had taken the part of the South with great zeal. He told me shortly before he left the Senate that he thought it was a great misfortune for the world that the Southern cause had been lost. He stood by his people, as he liked to call them, in their defeat and in their calamity without flinching or

reservation. While he would, I am sure, have done nothing himself not scrupulously honorable, and while there was nothing in his nature of cruelty, still less of brutality, yet he did not stop to inquire into matters of right and wrong when a Southerner had got into trouble, by reason of anything a white Democrat had done in conflict with the National authority. Yet Mr. Lamar desired most sincerely the reconciliation of the sections, that the age-long strife should come to an end and be forgotten, and that the whole South should share the prosperity and wealth and refinement and contentment, which submission to the new order of things would bring.

He was a far-sighted man. He was not misled by temporary excitement or by deference to the majority of his political friends who were less far-sighted than he, into any mistakes. When there was an attempt to break faith in regard to what was called the Wheeler compromise in the Democratic House, Mr. Lamar interposed and prevented it. Just after the count under the Electoral Commission had been completed, there was a very dangerous movement to delay action on the returns from Vermont, which would have prevented the completion of the work before the 4th of March. Mr. Lamar put forth all his powerful influence among his Democratic associates on the floor of the House, and saved the peace of the country. He knew very well that the cause of the South, as he would have called it, and the cause of the Democratic Party itself, would not be promoted by a new civil convulsion, still less by any breach of faith.

He voted against the free coinage of silver in spite of the fact that the people of his State earnestly favored it, and against the express instructions of its Legislature. In 1874, at a time when the passions of the Civil War seemed to blaze higher, and the angry conflict between the sections seemed to blaze higher even than during the war itself, he astonished and shocked the people of the South by pronouncing a tender and affectionate eulogy on Charles Sumner. He testified to Sumner's high moral qualities, to his intense love of liberty, to his magnanimity, and to his incapacity for a personal animosity, and regretted that he had restrained the impulse which had been strong on him to go to Mr. Sumner and offer him his hand and his heart with it. It would have been almost impossible for any other man who had done either of these things to go back to Mississippi and live. But it never shook for a moment the love for Lamar of a people who knew so well his love for them.

Afterward Mr. Lamar was made an Associate Justice of the Supreme Court of the United States. I voted against him—in which I made a mistake—not because I doubted his eminent integrity and ability, but because I thought that he had little professional experience and no judicial experience, and that his health—he was then beginning to show signs of the disease which ended his life shortly after—was not sufficient for undertaking the great study and the labor which the new office would require. He was not long on the Bench, and was not greatly distinguished as a Judge. But he wrote a few opinions which showed his great intellectual capacity for dealing with the most complicated legal questions, especially such are apt to arise in patent cases.

He was a delightful man in ordinary conversation. He had an infinite wit and great sense of humor. He used to tell delightful stories of queer characters and events that had come within his own observation. My relations to him for a good while were entirely antagonistic. We had some very sharp controversies. He would never tolerate any expression, in his presence, of disrespect to Jefferson Davis. He would always meet the statement that Mr. Davis was a traitor with a vigorous denial. When I made a motion excepting Jefferson Davis from the benefit of the bill to pension the soldiers of the Mexican War, Mr. Lamar compared him to Prometheus, and me to the vulture preying upon his liver. He was the last person from whom I should have expected an expression of compliment, or even of kindness in those days. Yet when the question of my reelection was pending in 1883 and the correspondent of a newspaper which was among my most unrelenting and unscrupulous opponents thought he might get some material which would help him in his attacks, called upon Mr. Lamar in the Democratic cloak room, and asked him what he thought of me, Mr. Lamar replied in language which seems almost ridiculous to quote, and which was inspired only by his indignation at the attempt to use him for such a purpose: "Sir, Massachusetts has never been more powerfully represented in the Senate, not even in the time of Daniel Webster, than by Mr. Hoar."

It was with feeling of great pleasure that in 1886 I saw Harvard confer her highest honor on this delightful Mississippian.

He was, in his time, I think, the ablest representative, certainly among the ablest, of the opinions opposed to mine. He had a delightful and original literary quality which, if the lines of his life had been cast amid other scenes than the tempest of a great Revolution and Civil War, might have made him a dreamer like Montaigne; and a chivalrous quality that might have made him a companion of Athos and D'Artagnan.

His eulogy on Calhoun, with whom in general he sympathized, was a masterpiece of eloquence, but his eulogy on Charles Sumner, which probably no other man in the South could have uttered without

political death, was greater still. It was a good omen for the country. At the moment he uttered it, I suppose Charles Sumner was hated throughout the South with an intensity which in this day of reconciliation it is almost impossible to conceive. Yet Mr. Lamar in his place in the House of Representatives dared to utter these sentences:

"Charles Sumner was born with an instinctive love of freedom, and was educated from his earliest infancy to the belief that freedom is the natural and indefeasible right of every intelligent being having the outward form of man. In him, in fact, this creed seems to have been something more than a doctrine imbibed from teachers, or a result of education. To him it was a grand intuitive truth, inscribed in blazing letters upon the tablet of his inner consciousness, to deny which would have been for him to deny that he himself existed. And along with the all-controlling love of freedom he possessed a moral sensibility keenly intense and vivid, a conscientiousness which would never permit him to swerve by the breadth of a hair from what he pictured to himself as the path of duty. Thus were combined in him the characteristics which have in all ages given to religion her martyrs, and to patriotism her self-sacrificing heroes."

After speaking of the kindness of Mr. Sumner to the South, and his spirit of magnanimity, he added:

"It was my misfortune, perhaps my fault, personally never to have known this eminent philanthropist and statesman. The impulse was often strong upon me to go to him and offer him my hand, and my heart with it, and to express to him my thanks for his kind and considerate course toward the people with whom I am identified. If I did not yield to that impulse, it was because the thought occurred that other days were coming in which such a demonstration might be more opportune and less liable to misconstruction. Suddenly and without premonition, a day as come at last to which, for such a purpose, there is no to-morrow. My regret is therefore intensified by the thought that I failed to speak of him out of the fulness of my heart while there was yet time."

That Mr. Lamar well understood what was to be the effect of this wonderful speech upon the whole country is shown by his letter to his wife the next day, in which he says: "I never in all my life opened my lips with a purpose more single to the interests of our Southern people than when I made this speech."

I said of this speech in an article in the *North American Review*:

"The eloquent words of Mr. Lamar so touched the hearts of the people of the North that they may fairly be said to have been of themselves an important influence in mitigating the estrangements of a generation."

The following letter explains my absence from the Senate when Judge Lamar's death was announced:

WASHINGTON, D. C., January 29, 1893

My Dear Madam:

I was kept in bed, under the orders of my physician, the day the death of your husband was announced to the Senate. I regret exceedingly that I could not be in my place to express my sense of the great public loss and my warm personal admiration for his great qualities of intellect and of heart. I served with him in the House of Representatives for more than four years, and in the Senate for more than eight years. It was a stormy and exciting time. We differed widely on very grave questions, and this difference was more than once very sharply manifested in public; but the more I knew him, the more satisfied I became of the sincerity of his patriotism, of his profound and far-sighted wisdom, of the deep fountain of tenderness in his affectionate and simple heart, and of his brave and chivalrous quality of soul. I was more than once indebted to him for very great kindness indeed, under circumstances when I do not think he supposed it would ever come to my knowledge.

Some of his judgments on the Supreme Bench are characterized by marvellous beauty and felicity of style. He maintained his place on that great tribunal to the satisfaction of his friends and that admiration of his countrymen, in spite of failing health and of the fact that the best years of his life had been given to other studies than that of the law.

It is a good omen for our country that the friends and disciples of Charles Sumner unite with the people of Mississippi in their reverence for this noble and manly character.

I am faithfully yours,
GEORGE F. HOAR
Mrs. Lamar.

CHAPTER XVI SOME SOUTHERN SENATORS

Another most delightful Democrat, with whom it was my pleasure to form quite intimate relations, was Senator Howell E. Jackson of Tennessee. He had been in the Confederate service. I think he did not approve Secession, but like most others who dwelt in the South, thought his allegiance primarily due to his State. He was an admirable lawyer, faithful, industrious, clear-headed and learned in the law. He had been a Whig before the war, and, like other Southern Whigs, favored a moderate protective tariff. He was anxious to have the South take her place as a great manufacturing community, for which her natural resources of iron and coal and her great water power gave her such advantages. He was opposed to the Republican measures of Reconstruction and to placing the negro on a political equality with the whites. But he also discountenanced and condemned any lawless violence or fraud.

Senator Jackson was appointed Judge of the United States Circuit Court by President Cleveland. He held that office when a vacancy on the Bench of the Supreme Court came by the death of Justice Lamar. The election of 1892 had resulted in the choice of President Cleveland. The Democrats in the Senate were determined that no Republican who should be nominated by President Harrison should be confirmed, and did not mean, if they could help it, that the place should be filled during the December session. The only way to get such a confirmation would be for the Republican majority to put the question ahead of all other subjects, to go into Executive session every day as soon as the Senate met, and remain there until the judgeship was disposed of. The Democrats must then choose between defeating the Appropriation Bills, and compelling an extra session, which the in-coming Administration would not like. In order to do that, however, the small Republican majority must hold together firmly, and be willing to take the risk of an extra session.

I called on President Harrison and urged upon him the appointment of Judge Jackson. I represented that it was desirable that there should be some Democrats upon the Bench, and that they should be men who had the confidence of their own part of the country and of the country at large; that Judge Jackson was a man of admirable judicial quality; that he had the public confidence in a high degree, and that it would be impossible for the Democratic Party to object to his selection, while it would strengthen the Bench. So I thought that even if we could put one of our men there without difficulty, it would be wise to appoint Jackson.

President Harrison was very unwilling, indeed, to take this view. He answered me at first in his rough impulsive way, and seemed very unwilling even to take the matter into consideration. But after a considerable discussion he asked me to ascertain whether the Republicans would be willing, if he sent in a Republican name, to adopt the course above suggested, and transact no other business until the result was secured, even at the risk of defeating the Appropriation Bills and causing an extra session. I went back to the Senate and consulted a good many Senators. Nearly all of them said they would not agree to such a struggle; that they thought it very undesirable indeed; that the effect would be bad. So it was clear that nothing could be accomplished in that way. I went back to the White House and reported. I got the authority of the gentlemen I had consulted to tell the President what they said. The result was the appointment of Judge Jackson, to the great satisfaction of the country. He was a very industrious and faithful Judge. But his useful life came to an end soon afterward, I suppose largely as the result of overwork in his important and laborious office.

The Attorney-General said of Mr. Justice Jackson: "He was not so much a Senator who had been appointed Judge, as a Judge who had served for a time as a Senator."

I served with Senator Jackson on the Committee on Claims, and on the Committee on the Judiciary. We did not meet often in social life. He rarely came to my room. I do not remember that I ever visited him in his home. But we formed a very cordial and intimate friendship. I have hardly known a nature better fitted, morally or intellectually, for great public trusts, either judicial or political, than his. In the beginning, I think the framers of the Constitution intended the Senate to be a sort of political Supreme Court, in which, as a court of final resort, the great conflicts which had stirred the people, and stirred the Representatives of the people in the lower House, should be decided without heat and without party feeling. It was, I have been told, considered a breach of propriety to allude to party divisions in early debates in the Senate, as it would be now deemed a breach of propriety to allude to such divisions in the Supreme Court of the United States.

Howell E. Jackson had this ancient Senatorial temperament. He never seemed to me to be thinking of either party or section or popular opinion, or of the opinion of other men; but only of public duty.

He never flinched from uttering and maintaining his opinions. He never caressed or cajoled his political antagonists. It is a great tribute to his personal quality that he owed his election as Senator to his political opponents who, when his own party was divided, joined a majority of his party to elect him. He also, as has been said, owed his appointment as Associate Justice of the Supreme Court to the

impression which his probity and ability had made on his political opponents. When sick with a fatal illness he left a sick bed to take his place upon the Bench at the call of duty when the Income Tax case was to be decided. There is no doubt that the effort hastened his death. I do not agree with the conclusion to which he came on that great occasion. But the fact that he came to that conclusion is enough to make me feel sure that there were strong reasons for it, which might well convince the clearest understanding, and be reconciled with the most conscientious desire to do right.

No list of the remarkable Senators of my time would be complete which did not contain the name of Senator Vest of Missouri. He was not a very frequent speaker, and never spoke at great length. But his oratoric powers are of a very high order. On some few occasions he has made speeches, always speaking without notes, and I suppose without previous preparation so far as expression and style go, which have very deeply moved the Senate, though made up of men who have been accustomed to oratory and not easily stirred to emotion. Mr. Vest is a brave, sincere, spirited and straightforward man. He has a good many of the prejudices of the old Southern Secessionist. I think those prejudices would long ago have melted away in the sunshine of our day of returning good feeling and affection, but for the fact that his chivalrous nature will not permit him to abandon a cause or an opinion to which he has once adhered, while it is unpopular. He is like some old cavalier who supported the Stuarts, who lived down into the days of the House of Hanover, but still toasted the King over the water.

Among the most interesting characters with whom it has been my fortune to serve is Senator John W. Daniel of Virginia. Our ways of life, and in many particulars our ways of thinking, are far apart. But I have been led to form a great respect for his intellectual qualities, and for his sincere and far-sighted patriotism.

Mr. Daniel came into the Senate in 1887. He had been known as a very eminent lawyer at the Virginia Bar, author of two excellent law books. He had served a single term in the National House of Representatives. He had won a National reputation there by a very beautiful and brilliant speech at the completion of the Washington Monument. There were two notable orations at the time, one by Mr. Daniel and one by Robert C. Winthrop. These gentlemen were selected for the purpose as best representing two sections of the country. Mr. Winthrop was, beyond all question, the fittest man in the North for such a task. I have a special admiration for the spirit and eloquence with which he performed such duties. To my mind no higher praise could be given Mr. Daniel's address than that it is worthy of that company.

I had occasion to look at Mr. Winthrop's address some little time ago, and, opening the volume containing it in the middle, I read a page or two with approval and delight thinking it was Mr. Winthrop's. But I found, on looking back to the beginning that it was Senator Daniel's.

Mr. Daniel speaks too rarely in the Senate. He is always listened to with great attention. He speaks only on important questions, to which he always makes an important contribution. He has the old-fashioned Virginia method of speech, now nearly passed away,—grave, deliberate, with stately periods and sententious phrases, such, I suppose, as were used in the Convention that adopted the Constitution, or in that which framed or revised the Constitution of Virginia.

Mr. Daniel was a Confederate soldier. He is a Virginian to his heart's core. He looks with great alarm on the possibility that the ancient culture and nobility of the South, and the lofty character of the Virginian as he existed in the time of Washington and Marshall and Patrick Henry may be degraded by raising what he thinks an inferior race to social or even political equality.

But he retains no bitterness or hate or desire for revenge by reason of the conflict of the Civil War. He delivered an address before the President of the United States, the Supreme Court, the representatives of foreign Governments, the two Houses of Congress and the Governors of twenty-one States and Territories, on the 12th of December, 1900, on the occasion of the celebration of the Centennial Anniversary of establishing the seat of Government at Washington. That remarkable address was full of wise counsel to his countrymen. Coming from a representative of Virginia, who had borne arms and been badly wounded in the Civil War, it had a double value and significance. Mr. Daniel declared the cheering and hopeful truth that great races are made of a mixture of races, and that the best and bravest blood of the world's great races is mixed in the American. He appealed eloquently to the circumstances which should stir the heart of the whole people to a new and loftier love of country. He pointed out that the differences in forty-five great Commonwealths are not greater than ought to be expected, and indeed not greater than is healthy. He pointed out the National strength, the power of our great Republic stands at the dawn of a new century, with every man under its flag a freeman and ready to defend it. He called upon his countrymen to stand by the Monroe Doctrine, to be ready to defend it, if need be, in arms. He then specially appealed to the people to foster the inventive genius of the country, and repeated Mr. Jefferson's lofty prophecy that in some future day—

"The farthest star in the heavens will bear the name of Washington, and the city he founded be the

Capital of the universal Republic."

Isham G. Harris entered the Senate the same day I did. I counted him always among my friends, although we had some sharp passages. I cannot describe him better than by reprinting here what I said of him in the Senate after his death.

"Mr. President, the great career of Senator Harris is well known to his countrymen. He has been for more than a generation a striking and conspicuous figure in our public life. His colleague, his successor, the men of his own political faith, the people of the great State which he served and honored and loved so long, will, each in their own way, portray his character and record their esteem and affection.

"My tribute must be that of a political opponent. So far as I have been able to exert any influence upon the history of my country during the long conflict now happily past, it has been in opposition to him, to the party to which he belonged, to the opinions which he held, I am sure, quite as zealously and conscientiously as I hold my own.

"We entered the Senate on the same day. He was a Southerner, a Democrat and a Confederate. I was born and bred in New England, a Republican, and an Abolitionist. We rarely spoke in the same debate except on different sides. Yet I have no memory of him that is not tender and affectionate, and there is nothing that I can honestly say of him except words of respect and of honor.

"He was a typical Southerner. He had the virtues and the foibles that belonged to that character in the generation the last of whom are now passing from the stage of public action. He was a man of very simple and very high qualities. He was a man of absolute frankness in public behavior and in private dealing. The thought that was in his heart corresponded absolutely with the utterance of his lips. He had nothing to conceal. I was about to say he was a man without the gift of diplomacy; but he was a man with the gift of the highest diplomacy—directness, simplicity, frankness, courage—qualities which make always their way to their mark and to their goal over all circumlocutions and ambiguities.

"He was a man of brief, clear and compact speech. He would sum up in a few vigorous and ringing sentences the argument to which other men would give hours or days. He had an instinct for the hinge or turning point of a debate.

"He was a man of absolute integrity and steadfastness. What he said, that he would do. Where you left him, there, so long as he lived, you would find him when you came back. He was a man of unflinching courage. He was not afraid of any antagonist, whether in the hall of debate or on the field of battle.

"He was an acknowledged master of parliamentary law, a system upon which not only the convenient procedure of legislative bodies largely depends, but which has close relations to Constitutional Liberty itself. How often a few simple and clear sentences of his have dispersed the clouds and brought order out of confusion in this Chamber.

"His great legislative experience made him invaluable as a servant of his own State, of the country and as a counsellor to his younger associates.

"He was a pleasant man in private intercourse. He had great sense of humor, a gift of portraiture, a good memory. So he brought out of the treasure-house of his varied experience abundant matter for the delight of young and old. There is no man left in the Senate who was better company in hours of recreation.

"His influence will be felt here for a long time. His striking figure will still seem to be hovering about the Senate Chamber, still sitting, still deliberating, still debating.

"Mr. President, it is delightful to think how, during the lives of the men who took part in the great conflict which preceded and followed the Civil War and the greater conflict of the war itself, the old bitterness and estrangements are all gone. Throughout the whole land the word 'countryman' has at last become a title of endearment. The memory of the leaders of that great conflict is preserved as tenderly by the men who fought with them as by the men who followed them. Massachusetts joins with Tennessee in laying a wreath on the tomb of her great soldier, her great Governor, her great Senator. He was faithful to truth as he saw it; to duty as he understood it; to Constitutional Liberty as he conceived it.

"If, as some of us think, he erred, his error was that of a brave man ready to give life and health and hope to the unequal struggle.

To his loved cause he offered, free from stain,

Courage and faith; vain faith and courage vain.

"And, Mr. President, when he returned to his allegiance, he offered to the service of his reunited country the same zeal and devotion he had given to the Confederacy. There was no reserved or half-hearted loyalty. We could have counted on his care for the honor and glory of his country, on his wise and brave counsel, in this hour of anxiety, with an unquestioning confidence. So Massachusetts to-day presses the hand of Tennessee and mourns with her for her great citizen who has departed."

James B. Eustis of Louisiana was of old Massachusetts stock. His father was graduated at Harvard, and went to New Orleans, where he acquired great distinction at the bar, and as Chief Justice of that State. Senator Eustis's great-uncle was General Eustis, an eminent soldier of the Revolutionary War, and afterward Governor of Massachusetts.

Senator Eustis seemed somewhat indolent, and to take very little interest indeed in what was going on, except on some few occasions when he bore himself in debate with remarkable ability. I think his grave, scholarly style, and his powerful reasoning, the propriety, dignity and moderation with which he dealt with important subjects, made him nearly the finest example of Senatorial behavior I have ever known. He once made a speech in Executive session, on a topic which was suggested suddenly and he could not have anticipated, on the character and history of French diplomacy, which was marvellous alike for his profound and accurate knowledge of the subject and the beauty and grace of his discourse.

I was not intimate with him in Washington. But I met him in Paris, while he was Ambassador there under President Cleveland's Administration. I have delightful memories of his hospitality, especially of one breakfast, where there was but one other guest beside myself, in a beautiful room overlooking the Seine and the Place de la Concorde.

If I were to select the one man of all others with whom I have served in the Senate, who seems to me the most perfect example of the quality and character of the American Senator, I think it would be Edward C. Walthall of Mississippi. I knew him personally very little. I do not now remember that I ever saw him, except in the Capitol, or in the Capitol grounds. I had, I dare say, some pleasant talks with him in the Senate Chamber, or the cloak room. But I remember little of them now. He rarely took part in debate. He was a very modest man. He left to his associates the duty of advocating his and their opinions, unless he was absolutely compelled by some special reason to do it himself. When he did speak the Senate listened to a man of great ability, eloquence and dignity. I once heard him encounter William M. Evarts in debate. Evarts made a prepared speech upon a measure which he had in charge. Walthall's reply must have been unpremeditated and wholly unexpected to him. I think Evarts was in the right and Walthall in the wrong. But the Mississippian certainly got the better of the encounter.

It is a remarkable truth, which impresses itself upon me more and more the longer I live, that men who are perfectly sincere and patriotic may differ from each other on what seem the clearest principles of morals and duty, and yet both sides be conscientious and patriotic. There is hardly a political question among the great questions that have excited the American people for the last half century on which we did not differ from each other. The difference was not only as to the interpretation of the Constitution, and the welfare of the people, but seemed to go down to the very roots of the moral law.

Yet what I have just said about him is without exaggeration. I have the right to believe that he entertained the kindest and most cordial feeling of regard for me. Not long before he died, President McKinley sent for me to come to the White House. He wished to talk with me about what he should do in dealing with Cuba. He was then holding back the popular feeling, and resisting a demand which manifested itself among Republicans in both Houses of Congress for immediate and vigorous action which would without doubt have brought on the war with Spain without delay. He hoped then that the war might be avoided. I had to go to the Capitol before complying with the President's request, as it was shortly before the time for the session. As I was leaving the Capitol to go to the White House, I met Senator Walthall. He said, "You seem to be going the wrong way this morning," or something like that. I said, "Yes, I am going to see the President." Senator Walthall said; "I wish you would be good enough to say to him from me that he may depend upon the support of the Democrats in the Senate, with only one or two exceptions," whom he named, "to support him in his efforts to avoid war, and to accomplish a peaceful solution of the difficulties in regard to Cuba." I undertook to give the message. And just as we were parting, Senator Walthall turned and said to me that he wished to tell me how highly he regarded me, and how sensible he was, notwithstanding my very strong Northern feeling, of my appreciation of the character of the Southern people, and my desire to do them full justice. He added that he regarded it one of the most pleasant things that had happened to him in life that he had had the pleasure of serving with me. I do not now remember that I ever spoke to him again. He did not come to the Senate Chamber very often afterward. I have thought since that this unwonted expression of deep feeling from

a gentleman not wont to wear his heart upon his sleeve toward his political opponent, and a man with whom he so often disagreed, was due to a premonition, of which he was perhaps unconscious, that the end of his life was near, and to the kindly and gentle emotions which in a brave and affectionate heart like his the approach of death is apt to bring.

I could hardly venture to repeat this story, to which there is no other witness than my own, but for some letters in my possession from Mr. Walthall's daughter and friends in which the writers quote even stronger expressions of his regard.

I heard a great deal of him from Senator Lamar, who loved him as a brother, and almost worshipped him as a leader. Senator Lamar told me that he thought Walthall the ablest military genius of the Confederacy, with the exception of Lee, and, I think, of Stonewall Jackson. Indeed, I think he expressed doubt whether either exception could be made. He said that if anything had happened to Lee, Walthall would have succeeded to the chief command of the Confederate forces. General Walthall seemed to me the perfect type of the gentleman in character and speech. He was modest, courteous and eager to be of service to his friends or his country. The description of the young Knight given us by Chaucer, the morning star of English poetry, still abides as the best definition of the gentleman.

Curteis he was, lowly and serviceable.

His colleague, Mr. Williams of Mississippi, after Walthall's death, described the Southern gentleman of our time in a sentence which deserves to stand by the side of Chaucer's:

"The ideal gentleman was always honest; spoke the truth; faced his enemy; fought him, if necessary; never quarrelled with him nor talked about him; rode well; shot well; used chaste and correct English; insulted no man—bore no insult from any; was studiously kind to his inferiors, especially to his slaves; cordial and hospitable to his equals; courteous to his superiors, if he acknowledged any; he scorned a demagogue, but loved his people."

I do not undertake to draw his portraiture. I suppose that whoever does that must describe a great soldier and a great lawyer, as well as a great Senator. I only state what I saw of him in the Senate Chamber. It was said of him by an eminent Republican Senator, his associate on the Committee on Military Affairs, that in dealing with questions which affected the right of Union soldiers, or growing out of service to the Union during the Civil War, no stranger could have discovered on which side of that great war he had ranged himself.

CHAPTER XVII CUSHMAN KELLOGG DAVIS

I reprint here a paper read before the American Antiquarian Society shortly after Mr. Davis's death.

Cushman Kellogg Davis was born at Henderson, Jefferson County, New York, June 16, 1838, and died at St. Paul, Minnesota, November 27, 1900. On his mother's side he was descended from Robert Cushman and Mary Allerton, the last survivor of the company which came over in the Mayflower. He was graduated at the University of Michigan in 1857, and admitted to the Bar shortly before the breaking out of the Civil War. He enlisted at the beginning of the War and served as First Lieutenant of Company B, Eighth Wisconsin Regiment, until 1864, when he was compelled by physical infirmity to resign his commission. He was an excellent soldier. He sustained an injury to one of his eyes, which caused him much pain through life, until a few years before his death he lost the sight of that eye altogether.

After his return from the war, he began the practice of the law anew, in which he gained great distinction. For many years, and until his death, he was the acknowledged leader of the Bar of his State. He was a member of the State Legislature of Minnesota in 1867, United States District Attorney from 1868 till 1873, and Governor of the State in 1874 and 1875. He was one of the Regents of the State University of Minnesota from 1892 to 1898. In 1887 he was elected United States Senator, and reelected in 1893 and 1899. He held the office of Senator until his death. He was Chairman of the Committee on Foreign Relations from March, 1897, till his death. He was one of the Commissioners who negotiated the Treaty of Paris with Spain.

He was a great lover of books, of which he had a costly collection. He knew Shakespeare very thoroughly, and was the author of a book called "The Law of Shakespeare."

He was also a zealous and thorough student of the career of Napoleon, whose civic and military career he greatly admired. His mind was a marvellous storehouse of literary gems which were unknown to most scholars, but rewarded his diligent search and loving study of his books.

Many good stories are told by his companions of the Bar and in public life of his apt quotations. It is said that he once defended a Judge in an impeachment case. The point involved was the power of the court to punish for contempt, and Davis quoted in support of his position the splendid and well-known lines of Henry the Fourth, in the famous scene where the Chief Justice punishes the Prince of Wales for contempt of the judicial office and authority. For this anecdote, the writer is indebted to Senator Lodge. In the Senate, during the Hawaiian debate, he quoted this passage from Juvenal:

Sed quo cecidit sub crimine; quisnam
Delator? quibus iudicii; quo teste probavit?
Nil horum; verbosa et grandis epistola venit
A Capreis. Bene habet; nul plus interrogo.

He then proceeded:

"My friend from Massachusetts (Mr. Hoar) requests me to translate that. He does not need it, of course. But another Senator (Mr. Washburn) suggests that some of the rest of us do. I will not attempt to give a literal translation, but I will give an accurate paraphrase, which will show its application. 'Into what crime has he fallen? By what informer has he been accused? What judge has passed upon him? What witness has testified against him? Not one or any of these. A verbose and turgid message has come over from Capri. That settles it. I will interrogate no further.'"

The most ardent admirers of the then President, Mr. Cleveland, could not help joining in the laugh.

Mr. Davis took great delight in his descent from the early settlers of Plymouth, and valued exceedingly the good will of the people of Massachusetts. The members of the Society who were fortunate enough to meet him will not forget their delight in his pleasant companionship, when he visited Massachusetts a few years ago to attend our meeting and contribute a paper to our Proceedings. He had hoped to repeat the visit.

I prefer, instead of undertaking to complete this imperfect sketch by a new portraiture of my honored friend, to add what I said in the Senate, when the loss of Mr. Davis was still recent:—

"Mr. President: There is no Senator who would not be glad to lay a wreath of honor and affection on the monument of Cushman K. Davis. That, however, is more especially the right of his colleague and his successor and the members of the great Committee where he won so much of his fame. I ought to say but a few words.

"The Senate, as its name implies, has been from the beginning, with few exceptions, an assembly of old men. In the course of nature many of its members die in office. That has been true of thirty-eight Senators since I came to the Capitol. Others, a yet larger number, die soon after they leave office. Of the men with whom I have served in this Chamber fifty-eight more are now dead, making in all ninety-six, enough and to spare to organize another Senate elsewhere. To that number has been added every Vice-President but two. Upon those who have died in office eulogies have been pronounced in this Chamber and in the House. The speakers have obeyed the rule demanded by the decencies of funeral occasions—nil de mortuis nisi bonum—if not the command born of a tenderer pity for human frailty—jam parce sepulto. But in general, with scarcely an exception, the portraitures have been true and faithful. They prove that the people of the American States, speaking through their legislative assemblies, are not likely to select men to represent them in this august assembly who are lacking in high qualities either of intellect or of character. However that may be, it is surely true of Mr. Davis that whatever has been or will be said of him to-day, or was said of him when the news of his death first shocked the country, is just what would have been said when he was alive by any man who knew him. I have served with him here nearly fourteen years. I have agreed with him and I have differed from him in regard to matters of great pith and moment which deeply stirred the feelings of the people, as they did mine, and doubtless did his own. I never heard any man speak of him but with respect and kindness.

"Of course, Mr. President, in this great century which is just over, when our Republic—this infant Hercules—has been growing from its cradle to its still youthful manhood, the greatest place for a live man has been that of a soldier in time of war and that of a statesman in time of peace. Cushman K. Davis was both. He did a man's full duty in both. No man values more than I do the function of the man of letters. No man reveres more than I do the man of genius who in a loving and reverent way writes the history of a great people, or the poet from whose lyre comes the inspiration which induces heroic action in war and peace. But I do not admit that the title of the historian or that of the poet to the gratitude and affection of mankind is greater than that of the soldier who saves nations, or that of the statesman who creates or preserves them, or who makes them great. I have no patience when I read that famous speech of Gladstone, he and Tennyson being together on a journey, when he modestly puts Mr. Tennyson's title to the gratitude of mankind far above his own. Gladstone, then Prime Minister,

declared that Tennyson would be remembered long after he was forgotten. That may be true. But whether a man be remembered or whether he be forgotten; whether his work be appreciated or no; whether his work be known or unknown at the time it is accomplished, is not the test of its greatness or its value to mankind. The man who keeps this moral being, or helps to keep this moral being we call a State in the paths of justice and righteousness and happiness, the direct effect of whose action is felt in the comfort and happiness and moral life of millions upon millions of human lives, who opens and constructs great highways of commerce, who makes schools and universities not only possible but plenty, who brings to pass great policies that allure men from misery, and poverty, and oppression, and serfdom in one world, to free, contented, happy, prosperous homes in another, is a great benefactor to mankind, whether his work be accomplished with sounding of trumpets, or stamping of feet, or clapping of hands, or the roar and tumult of popular applause, or whether it be done in the silence of some committee room, and no man know it but by its results.

"I am not ready to admit that even Shakespeare worked on a higher plane, or was a greater power on earth, than King Alfred or George Washington, even if it be that he will survive them both in the memory of man. The name of every man but one who fought with Leonidas at Thermopylae is forgotten. But is Aeschylus greater than Leonidas, or Miltiades, or Themistocles? The literature of Athens preserves to immortality the fame of its great authors. But it was Solon, and Pericles, and Miltiades that created and saved and made great the city, without which the poets could not have existed. Mr. Tennyson himself came nearer the truth than his friend, Mr. Gladstone, when he said:

He

That, through the channels of the state,
Conveys the people's wish, is great;
His name is pure; his fame is free.

"There have been soldiers whose courage saved the day in great decisive battles when the fate of nations hung in the scale, yet whose most enduring monument was the column of smoke which rose when their death shot was fired. There have been statesmen whose silent influence has decided the issue when the country was at the parting of the ways, of whose service history takes no heed. The great Ohio Territory, now six imperial States, was twice saved to freedom by the almost unnoticed action of a single man. With all respect for the man of letters, we are not yet quite ready to admit that the trumpeter is better than the soldier, or the painter greater than the lion.

"There is no need of many words to sum up the life and character of Cushman Davis. His life was in the daylight. Minnesota knew him. His country knew him and loved him. He was a good soldier in his youth, and a great Senator in his maturer manhood. What can be said more, or what can be said better, to sum up the life of an American citizen? He offered his life for his country when life was all before him. His State and his country rewarded him with their highest honor. The great orator and philosopher of Rome declared in his youth, and repeated in his age, that death could not come prematurely to a man who had been Consul. This man surely might be accounted ready to die. He had discharged honorably life's highest duty, and his cup of honor and of glory was full.

"We are thinking to-day of something more than a public sorrow. We are mourning the loss of a close and delightful companionship, a companionship which lightened public care and gave infinite pleasure to private intercourse. If he had never held office, if his name had never been heard even beyond the boundaries of a single municipality, he would have been almost anywhere a favorite and foremost citizen. He was, in the first place, always a gentleman; and a true gentleman always gives tone to any company in which he is found, whether it be among the rulers of States or the humblest gathering of friendly neighbors. Lord Erskine said on a great occasion:

"It is impossible to define in terms the proper feelings of a gentleman; but their existence has supported this country for many ages, and she might perish if they were lost,"

"Certainly our friend had this quality. He was everywhere a gentleman. He met every occasion in life with a simple and quiet courtesy. There was not much of deference in it. There was no yielding or supplication or timidity in it. I do not think he ever asked favors, though no man was more willing to grant them. But there is something more than this in the temper of which I am speaking. The man who possesses it gives unconsciously to himself or his associates tone to every circle, as I just said, in which he is found. So, wherever he was, his manner or behavior prevailed, whatever might have happened to the same men if they had been left alone.

"Senator Davis was a man who kept well his own counsel. He was a man to whom it was safe for other men to trust their counsel. His conversation, to which it was always a delight to listen, had no gossip in it. Still less had it ever anything of ill nature or sarcasm. He liked to share with a friend the pleasure he took in finding some flower or gem of literature which, for long ages till he found it in some out-of-the-way nook, had—

Blushed unseen,
And wasted its sweetness on the desert air.

"He had what Jeremy Taylor calls, 'the great endearment of prudent and temperate speech.'

"His conversation was sparkling and witty and full of variety, but no spark from him was ever a cinder in the eye of his friend.

"He had a learning rare among public men, and, for its variety, rare, I think, among scholars. He would bring out bits of history, full of interest and instruction, from the most obscure sources, in common conversation. He was an excellent Latin scholar. He had read and mastered Tacitus, and a man who has mastered Tacitus has had the best gymnastic training of the intellect, both in vigor and style, which the resources of all literature can supply.

"One secret of his great popularity with his companions here— a popularity I think unexcelled, indeed, I incline to think unequalled by that of any other man with whom I have served— is that to which the late Justin Morrill owed so much. He never debated. He rarely answered other men's arguments, never with warmth or heat. But he was exceedingly tenacious of his own opinion. He was, in the things he stood for, as unyielding as flint and true as steel. But his flint or steel never struck out a spark by collision with any other. He spoke very rarely in debate in general; only when his official place on his committee, or something which concerned his own constituents especially, made speaking absolutely imperative. Then he gave his opinion as a judge gives it, or as a delegate to some great international council might be supposed to give it; responsible for it himself, but undertaking no responsibility for other men's opinion or conduct; never assuming that it was his duty or within his power to convert, or change, or instruct them, still less to chastise them. Whether that way be the best way for usefulness in a deliberative body, especially in a legislative body of a great popular government, I will not undertake now to say. Certainly it is not the common way here or elsewhere. It is very rare indeed, that any man possessing the great literary and oratorical power of Mr. Davis, especially a man to whom nobody ever thought of imputing timidity or undue desire to enjoy public favor, or want of absolute confidence in his own opinions, will be found to refrain from employing these qualities to persuade or convince other men.

"He had a rare and exquisite gift which, if he had been a man of letters and not a man engaged in a strenuous public life, would have brought him great fame. Once in a while he said something in private, and more rarely, though once or twice, in a public speech, which reminded you of the delicate touch of Hawthorne. His likening President Cleveland and Mr. Blount, looking upon the late royalty of the Sandwich Island with so much seriousness, to Don Quixote and Sancho Panza taking in great earnest the spectacle of a theatrical representation at a country fair and eager to rescue the distressed damsel, was one of the most exquisite felicities of the literature of the Senate.

"He had great pride in his ancestry, and was a great lover of the history of New England and Plymouth, from which they came, though he never gave himself airs on account of it. He was a descendant of Robert Cushman, the preacher of the Pilgrims, whose service was in a thousand ways of such value to the little colony at Plymouth. Yet it had never happened to him to visit the scenes with which the feet of his ancestors had been so familiar, until a few years ago he did me the honor to be my guest in Massachusetts, and spent a few days in visiting her historic places. He gazed upon Boston and Plymouth and Concord reverently as ever Moslem gazed upon Mecca or the feet of palmer stood by the holy sepulchre. That week to him was crowded with a delight with which few other hours in his life could compare. I had hoped that it might be my fortune and his that he might visit Massachusetts again, that her people might gather in their cities to do him honor, and might learn to know him better, and might listen to the sincere eloquence of his voice. But it was ordered otherwise.

"There are other things his country had hoped for him. She had hoped a longer and higher service, perhaps the highest service of all. But the fatal and inexorable shaft has stricken him down in the full vigor of a yet strenuous manhood. The great transactions in which he had borne so large a part still remain incomplete and their event is still uncertain.

"There is a painting which a great Italian master left unfinished. The work was taken up and completed by a disciple. The finished picture bears this inscription: 'What Titian left unfinished, Palma reverently completed, and dedicated to God.' So may our beloved Republic find always, when one servant leaves his work unfinished, another who will take it up and dedicate it to the country and to God."

One of the most delightful friendships of my life was with George Bancroft, the famous historian. I never knew him until I went to Washington in 1877. But we established at once, as a matter of course, the relation of an intimate friendship. He was born in Worcester, to which he was much attached, though he had spent little of his life there after he had left college. Mrs. Bancroft had known my oldest brother and sister intimately, when she lived in Boston. I had learned from Mr. Emerson, who rarely gave his praise lightly, as well as from my own study, to value Mr. Bancroft very highly as a historian, which he soon found out.

I almost always found him waiting for me on the doorstep of my dwelling when I came from church the first Sunday after I reached Washington, at the beginning of a session. I have enjoyed many hours at his table, rendered delightful by the conversation of the eminent guests whom he gathered there, but by no conversation more delightful than his own.

Mr. Bancroft had two enthusiasms which made him a great historian— an enthusiasm for truth which spared no labor and left no stores of information unsearched, and an enthusiastic love of country. He believed that the great emotions and motives which move a free people are the noble, not the mean motives. He has written and interpreted the history of the United States in that faith. I believe his work will endure so long as the love of liberty shall endure. I gave my estimate of him at a meeting of the American Antiquarian Society, of which we were both chosen Vice-Presidents, in October, 1880, just after the completion of his eightieth year and of his "History of the United States," as follows:

"It is not usual to discuss the report of the committee to propose a list of officers. But one of the names reported gives special interest to the occasion. On the third of this month of October, our honored associate Mr. Bancroft completed his eightieth year. At the same time he completed his 'History of the United States' to the formation of the Federal Constitution.

"This Society, while it is national and continental in the scope of its investigations, strikes down its roots into the soil of this locality, where its founder dwelt, and where its collections are kept.

"For both these reasons we cherish our relations to Mr. Bancroft. He was born within a few rods of this spot. He is descended by the mother's side from an old Worcester County family who were conspicuous in the administration of its public affairs long before the Revolution. His father was one of the six persons who petitioned for the act of incorporation of this Society, and one of its first members. His brother by marriage, Governor Davis, was your predecessor in the President' chair.

"These reasons would be enough to induce us to value our relation. But he has filled a highly honorable and conspicuous place in public life. He is, I believe, the senior person living who has been a member of the Cabinet. He is the senior among living persons who have filled important diplomatic stations. He has represented the United States at Berlin and at St. James.

"His history is, and doubtless will be, the great standard authority upon the important period which it covers. He is the only person living whose judgment would change the place in public estimation held by any of the great statesmen of the Revolutionary times. He has had the rare good fortune among men of letters, to have proposed to himself a great task, requiring a lifetime for its accomplishment, the successful achievement of which is enough to make any life illustrious, and to have lived to complete it with powers of body and mind undiminished. It is his fate to know, while alive, the estimate in which he will be held by posterity. In his case, that knowledge can be only a source of pleasure and satisfaction.

"In this Mr. Bancroft resembles Gibbon. We all remember Gibbon's delightful account of the completion of his great work.

"In another thing, alone among great historians, Mr. Bancroft resembles Gibbon. As an artist he has accomplished that most difficult task of composing a history made up of many separate threads, which must keep on side by side, yet all be subordinate to one main and predominant stream. But his narrative never loses its constant and fascinating interest. No other historian, I believe, except Gibbon, has attempted this without becoming insufferably dull.

"Mr. Bancroft tells the story of thirteen States, separate, yet blending into one National life. It is one of the most wonderful things in our history, that the separate States having so much in common, have preserved so completely, even to the present time, their original and individual characteristics. Rhode Island, held in the hollow of the hand of Massachusetts; Connecticut, so placed that one would think it would become a province of New York; Delaware, whose chief city is but twenty-five miles from Philadelphia, yet preserve their distinctive characteristics as if they were states of the continent of Europe, whose people speak a different language. This shows how perfectly state rights and state freedom are preserved in spite of our National union, how little the power at the centre interferes with the important things that affect the character of a people. Why is it that little Delaware remains Delaware in spite of Pennsylvania, and little Rhode Island remains Rhode Island notwithstanding her

neighbor Massachusetts?

What makes the meadow flower its bloom unfold?

Because the lovely little flower is free
Down to its roots, and in that freedom bold.
And so the grandeur of the forest tree
Comes, not from casting in a formal mould,
But from its own divine vitality.

"But Mr. Bancroft is more fortunate than Gibbon. Gibbon wrote of decline, of decay, of dissolution, and death; of the days, to use his own words, 'when giants were becoming pigmies.' Bancroft tells the story of birth, and growth, and youth, and life. His name is to be inseparably associated with a great and interesting period in the world's history; with what in the proud imagination of his countrymen must ever be the greatest and most interesting of all periods, when pigmy villages were becoming giant States. I am sure that it is a delight to this assembly of distinguished scholars, assembled near his birthplace, to send him, at the completion of his great work, and of his eightieth year, their cordial salutation."

I went to see Mr. Bancroft on the evening of the last Sunday in December, 1890. He was sitting in his library up stairs. He received me in his usual emphatic manner, taking both my hands and saying, "My dear friend, how glad I am to see you!" He was alone. He evidently knew me when I went in, and inquired about Worcester, as he commonly did, and expressed his amazement at its remarkable growth.

I stayed with him about twenty or thirty minutes. The topics of our conversation were, I believe, suggested by me, and the whole conversation was one which gave evidence of full understanding on his part of what we were talking about. It was not merely an old man's memory of the past, but the fresh and vigorous thought on new topics which were suggested to him in the course of the conversation. I think he exhibited a quickness and vigor of thought and intelligence and spoke with a beauty of diction that no man I know could have surpassed.

I asked him if he could account for the interest in historical study among the older Harvard graduates, and mentioned the fact that the principal historians of this country, including himself, Prescott, Sparks, Motley, Palfrey and Parkman, were all Harvard men and were eminent at a time when there were scarcely any other eminent historical scholars in America. He did not directly answer this question, but said that his own inclination toward history, he thought, was due very much to the influence of his father. He said his father would have been a very eminent historian, if he had had material at his command, and that he had a remarkably judicious mind.

He spoke of some clergymen, especially the Unitarian clergymen, so many of whom belonged to Harvard at his time. He said he had little sympathy for the Unitarianism of his day, "for its theology, no; for its spirituality, yes."

He asked me about the Election Bill pending in the Senate. I spoke of the great storm of abuse I had had to encounter for advocating it, but said I thought on the whole the feeling between the different sections of the country and different political parties was better than it ever had been before in this country, and much better than that which now existed between different political parties in foreign countries. He cordially agreed to this, and made some observations which I do not now recall, but which were interesting and bright.

After we had talked together for some time, he said: "My memory is very poor: I cannot remember your first name." I said: "It is the same as yours, Mr. Bancroft—George." He paused a moment with an amused and puzzled look, and said: "What is your last name?" He had evidently known me very well during most of the preceding part of the interview.

I told his son about this conversation the day after Mr. Bancroft's death. He said that the presence of a visitor acted in this way as a stimulant, but that he had not lately shown much intelligence in the family, seeming lost and feeble.

CHAPTER XIX VISITS TO ENGLAND [1860, 1868, 1871]

I was born within a mile of the spot where the War of the Revolution began. My ancestors and other kindred on both sides took an active and prominent part in the struggle with England. I am descended from the early Puritans of Massachusetts in every line of descent. So it will readily be believed that all my feeling and sympathy have been on the side of my country in the great controversy with England, which began with the exile of the Pilgrims in 1620 and continued, with little interruption, until our last great quarrel with her, which ended with the arbitration at Geneva. Yet I am a passionate lover of

England. Before I ever went abroad, I longed to visit the places famous in her history, as a child longs to go home to his birthplace.

I have visited Europe six times. On each occasion I devoted the largest part of my time to Great Britain. The desire to see England again has increased with every visit. Certainly there is nothing like England, and there never has been anything like England in the world. Her wonderful history, her wonderful literature, the beauty of her architecture, the historic and poetic associations which cluster about every street and river and mountain and valley, her vigorous life, the sweetness and beauty of her women, the superb manhood of her men, her navy, her gracious hospitality, her courage and her lofty pride—although some single race of people may have excelled here in a single particular—make up a combination never equalled in the world. I am, of course, not to be understood to bring my own country into the comparison.

The first time I went abroad was in 1860. I had for a companion my friend from infancy, George M. Brooks, of Concord. We travelled like a couple of Bohemians, never riding where we could walk; lunching or dining where he happened to find ourselves when we were hungry; taking second or third class carriages on the railroads, and getting into conversation with anybody who would talk to us. I doubt whether I shall ever have in this world, or in another, a sensation more delicious than that I had when the old steamer, "America," steamed up the Channel toward the mouth of the Mersey, with the green shores of Ireland on one side and England on the other. I am afraid if I were to relate the story of that journey, it would be only to please myself by reviving its recollections, and not for the delight of my readers, so many of whom have a similar memory of their own.

We heard John Bright and Lord John Russell and Lord Palmerston in a great debate in the House of Commons on the paper duties, and saw Lord Brougham walking backward and forward on the terrace by Brougham Castle, near Penrith. We saw Edinburgh and the Trosachs, and Abbotsford and Stirling. I had been a loving reader of Scott from my childhood, and was almost as much at home in Scotland as if I had been born in the Canongate or the Saltmarket. I had had a special fancy for reading and studying topographical books on London, and found myself, pretty soon, so much at home there that I think I could have made a very decent living as a guide.

We spent a month in Switzerland. I made the journey over the mountain passes on foot, keeping up with my companion, who had a horse or a mule. I could walk twenty-five or thirty miles a day without great fatigue.

Augustus Flagg of the famous book-selling firm of Little & Brown, with whom I had dealt a great deal, was on the ship when I went out. He went abroad to purchase books for his house. In those days the book-stalls in London were mines of rare treasures. They had not been much examined by collectors or dealers, and the men who kept them did not know the value of books that were almost priceless in the eyes of virtuosos. Mr. Flagg and I spent together a good many days in ransacking the old book-stalls and shops, some of them in out-of-the-way places in the old city, even below the Tower. I could not afford to buy a great many books then. But I knew something about them, and the experience was like having in my hands the costliest rubies or diamonds.

The journey each way, which now takes six or seven days, then took fourteen. The Cunard steamer, whose successor, with its bilge keel and its vastly greater size, is as comfortable, even in very rough weather, as the first class city hotel, was as disagreeable in rough weather, to a man unaccustomed to the ocean, as a fishing smack. But the passengers got well acquainted with one another. There was agreeable society on board, and the days passed pleasantly.

Among the passengers was Joseph Coolidge of Boston, father of Thomas Jefferson Coolidge, late Minister to France. Mr. Coolidge had been a great traveller in his day; had had some commercial occupations in the East, and was very pleasant company. His wife was a granddaughter of Mr. Jefferson. He told me that two of Mr. Jefferson's daughters—or granddaughters, I am not now absolutely sure which—had kept school and earned money, which they had applied to the payment of Mr. Jefferson's debts. The story was highly creditable to these Virginia ladies, who might well have thought that their illustrious ancestor's service might excuse his family from making sacrifices in discharge of such an obligation, if his countrymen at large did not feel its force.

I went over pretty much the same ground in 1868 with three ladies. I made both these journeys as an ordinary sightseer. I took few letters of introduction. I did not deliver those, except in one or two cases to American gentlemen living abroad.

One experience in this latter journey, however, it may be worth while to tell. I had a very pleasant friendship with Henry T. Parker, a Boston man and a graduate of Harvard, who had a comfortable property and had married an English lady and had settled in London. He found an occupation, congenial to his own taste, in buying books, as agent of some of the great libraries in the United States,

including the Harvard Library and the Boston City Library. He was an intimate friend of Mr. Cox, the accomplished Librarian of the Bodleian, to whom he gave us letters.

Mr. Cox treated us with special courtesy and showed us many treasures of the Library, especially some wonderful illuminated manuscripts. One of them, the Duc de Monpensier, who had been at Oxford shortly before and who was an authority in such matters, felt confident was illustrated by Raphael. Mr. Cox had discovered, just before I was there, in some crypt where it had lain unknown for two hundred years, a touching letter from Clarendon, who was Chancellor of the University, which I think will move the heart of every man who loves the college where he was educated. The letter was written by Lord Clarendon just after he had landed at Calais, a hopeless exile, on his last flight from the country to which he was never again to return. The great orator, statesman, historian, lawyer, judge,—counsellor, companion and ancestor of monarchs,— flying for his life, in his old age, into a foreign land, from the court of which, for a generation, he had been the ornament and head, soon as his feet touch a place of safety, thinks of his University. See the noble heart through the simple and stately rhetoric:

GOOD MR. VICE-CHANCELLOR;

Having found it necessary to transport my selfe out of England, and not knowing when it shall please God that I shall returne againe, it becomes me to take care that the University may not be without the service of a person better able to be of use to them than I am like to be, and I doe therefore hereby surrender the office of chancellor into the hand of said University, to the end that they may make choyce of some other person better qualified to assist and protect them, than I am. I am sure he can never be more affectionate to it. I desire you as the last suite I am likely to make to you, to believe that I doe not fly my country for guilt, and how passionately soever I am pursued, that I have not done anything to make the University ashamed of me, or to repent the good opinion they had once of me, and though I must have no mention in your publique devotions, (which I have always exceedingly valued,) I hope I shall always be remembered in your private prayers, as

Good Mr. Vice-Chancellor,
Your affectionate servant,
CLARENDON.
CALAIS, this 7-17 Dec., 1667.

In 1871 I went abroad alone. I spent the whole time in England, except for a brief visit to Scotland. My purpose in going away was to get a vacation. I meant to do some studying in the British Museum, especially to make a thorough study of the conditions and economic principles affecting the strife between capital and labor, which then threatened both this country and England. I got a collection of the authorities and the references. But I did not find that I got a great deal of light from anything that had been written or said so far. I made a few very agreeable acquaintances. I had a letter to Thomas Hughes, and visited at his house. I found George W. Smalley, who had been a pupil in my office, established in a delightful house near London. He seemed to be on terms of intimacy with the famous Englishmen who were the leaders of both political parties, and with many eminent men of letters. I spent a delightful evening with Mr. Hughes at a club which I think was called the European Club, or something like that, where the members smoked clay pipes and drank beer. There seemed to be no other provision for the refreshment of the body or soul. But the conversation was very pleasant. The members sat together about a table, and the conversation was quite general and very bright. The talk turned, during the evening, on Scotsmen. The Englishmen present seemed to have something left of the old prejudice about Scotland with which Dr. Johnson was possessed. They imputed to the modern Scotsmen the same thrifty habit and capacity for looking after himself that prevailed a hundred years before, when Dr. Johnson and John Wilkes, who quarrelled about everything else, became reconciled when they united in abuse of their Northern neighbors. Sir Frederick Pollock cited a marginal note from the report of some old criminal case, to the following effect: "Possession of property in Scotland evidence of stealing in England."

I was guilty of one piece of stupid folly. Mr. Hughes kindly proposed to take me to see Carlyle. This was not very long after our war, when our people were full of indignation at Carlyle's bitter and contemptuous speech about us, especially his "American Iliad in a Nutshell." I was a little doubtful about what sort of a reception I should get, and declined the invitation. I have bitterly regretted this ever since. My brother visited Carlyle about 1846, bearing with him a letter from Emerson. Carlyle was very civil to him, and liked him very much, as appears by a letter from him to Mr. Emerson.

During the visit I heard a great debate between Gladstone and Disraeli. A brief account of it will be found in the chapter on "Some Famous Orators I have Heard."

A friend in Worcester gave me a letter to Mr. Wornum, the Director of the National Gallery, with whom he had been a fellow-pupil at Kensington. Mr. Wornum received me with great cordiality. He

asked me to come to the Gallery the next day, when it would be closed to the public. He said he would be glad to show it to me then, when we would be free of interruption. He was the author of what I understand to be an excellent history of painting, and was regarded as the most competent judge in Europe of the value and merit of paintings. I suppose Parliament would at any time, on his sole recommendation, have given ten or twenty or perhaps fifty thousand guineas for a masterpiece. I shall never forget the delight of that day. He told me the history of the great paintings in the National Gallery, some of which had belonged to monarchs, popes, noblemen or famous merchants of almost all the countries in Europe. He said that while there were many larger galleries, the National Gallery was the best in the world as affording the best and most characteristic examples of every school of painting. I cannot remember much that was said in that long day, interrupted only by a pleasant lunch together. But it was a day full of romance. It was as if I had had in my hand the crown jewels of every potentate in the world, and somebody had told me the history of each gem. For this picture Francis the First, or Charles V., or Henry VIII. had been bidders. This had belonged to Lorenzo de Medici, or Pope Leo X. This had come from the famous collection of Charles I., scattered through Europe on his death; and this had belonged to some nobleman whose name was greater than that of monarchs.

Mr. Wornum spoke of his treasures with an enthusiasm which no worshipper at the throne of any Saint or Divinity could surpass. That day was among the few chiefest delights of my life.

CHAPTER XX VISITS TO ENGLAND 1892

My next visit to England was in the spring of 1892. The winter before, I had a severe attack of iritis, which left my eyes in a very demoralized condition. I did not find much relief in this country, not, I suppose, because of want of skill in our ophthalmic surgeons, but because of the impossibility of getting any rest anywhere where I could be reached by telephone or telegraph. To a person who can bear an ordinary voyage there is no retreat like an ocean steamer. Telephone, telegraph, daily paper; call or visit of friend, client, or constituent; daily mail—sometimes itself, to a busy public man, enough for a hard day's work—all these are forgotten. You spend your ten days in an infinite quiet like that of Heaven. You sit in your deck-chair with the soft sea breeze on your forehead, as the mighty ocean cradle rocks you, and see the lace of an exquisite beauty that no Tyrian weaver ever devised, breaking over the blue or purple waves, with their tints that no Tyrian dye ever matched. Ah! Marconi, Marconi, could not you let us alone, and leave the tired brain of humanity one spot where this "hodge-podge of business and trouble and care" could not follow us and find us out?

On this journey I visited England, France and Switzerland. It so happened that I had had a good deal to do with the appointment of our Ministers to these three countries. Colonel John D. Washburn, a very accomplished and delightful gentleman, now dead, had been a pupil of mine as a law student. He lived in Worcester and had been a very eminent member of the Massachusetts Legislature. I think he would have been Governor of the State and had a very brilliant career but for a delicacy of organization which made him break down in health when under any severe strain of responsibility, especially such as involved antagonism and conflict. He was of a very friendly, gentle disposition, and disliked to be attacked or to attack other men. I told Mr. Blaine, the Secretary of State when Mr. Harrison's Administration came in, that I had but one favor to ask of it; that was, that he should send Washburn as Minister to Switzerland. I had two or three very pleasant days with him at Berne. But he had sent his family away and was preparing to resign his place. So I had not much opportunity of seeing Switzerland under his guidance.

Thomas Jefferson Coolidge, then Minister to France, had also been appointed on my very earnest recommendation. He was a great-grandson of Thomas Jefferson, a very able business man, highly esteemed throughout the country. His guidance was implicitly followed by many people in important business transactions. He had had the charge of the financial affairs of some large manufacturing corporations, and was understood to have extricated the Northern Pacific Railroad out of some serious difficulties, into which it fell again after he left its control. He had been a Democrat. But he had seen the importance of the protective policy to American interests, as would naturally be expected of a descendant of that high protectionist, Thomas Jefferson. He had no sympathies with any measures that would debase or unsettle the currency, and set his face and gave his powerful influence against all forms of fiat or irredeemable paper money, and the kindred folly of the free coinage of silver by this country alone, without the concurrence of the commercial nations of the world.

Soon after Mr. Harrison's Administration began, I received a message about nine o'clock one evening, asking me to go to the White House at once. I obeyed the summons. The President said he desired, if I had no objection, to send in the name of Dr. Loring of Massachusetts, as Minister to Portugal. I told him that I had no objection whatever; that Dr. Loring was an able man of agreeable manners, and had performed admirably every public duty he had undertaken. I said that the Doctor had felt a little disturbed, I thought, that I had refused to call a meeting of the Massachusetts delegation to press his

name upon the President for a Cabinet office, to which President Harrison replied, "I put my foot on that pretty quick." Dr. Loring had been a great friend and supporter of Mr. Blaine, the Secretary of State. I conjectured, although the President did not say so, that the choice of Dr. Loring had been made at the Secretary's instance.

The President then said that he wanted to talk with me about the English Mission, which had troubled him a good deal. He mentioned the names of several prominent men in different parts of the country, including Robert Lincoln and Mr. Jewett, an eminent lawyer in Chicago, whose name was earnestly pressed upon him by the Senators from Illinois. I said that I had known Mr. Lincoln pretty well when he was in President Garfield's and Mr. Arthur's Cabinet, and thought very highly of him. He was a very modest man indeed, never pressing any claim to public consideration or office, either on his own account or as his father's son, and never seeking responsibility. But I had noticed that when he had anything to say or anything to do, he always said or did the wisest and best thing to be said or done under the circumstances. I do not know how much influence what I said had, but it seemed to gratify President Harrison exceedingly, and he stated that he was strongly inclined to appoint Mr. Lincoln.

I was told the next morning he sent for the two Illinois Senators, and told them that he had made up his mind to nominate Mr. Lincoln, and that one of them, Senator Farwell, was exceedingly offended. He was also much disturbed by President Harrison's attitude in regard to the appointment of the postmaster at Chicago. The result was that when President Harrison's name came up for another nomination, Mr. Farwell was opposed to him, and when he was with difficulty nominated for reelection, the State of Illinois voted for Cleveland. Senator Cullom, though not liking very well to have his opinion disregarded, was more discreet. He did not see fit to make the exercise of the President's rightful and Constitutional prerogative a reason for breaking off his friendly relations with the Administration, with whose principles he was in full accord. This is an instance of President Harrison's want of tact. I have little doubt that if, before finally announcing his intention, he had sent for the Illinois Senators—as Abraham Lincoln would have done, or as President McKinley would have done—gone over the whole ground with them, and told them his reasons and desire, they would have cheerfully acquiesced in the conclusion to which he had come, and their friendship with him would have been strengthened and not weakened.

After saying what was to be said about the English Mission, I said to President Harrison: "We have a gentleman in Massachusetts, whom I think it is very desirable indeed to place in some important public service; that is Thomas Jefferson Coolidge. He is a great-grandson of Mr. Jefferson." I said to the President the substance of what I have just stated above, about Mr. Coolidge. I added that while Mr. Coolidge would be an excellent person for the English Mission, which his uncle Mr. Stevenson had held, yet, of course, I did not think, under the circumstances, that it would be proper to make another important diplomatic appointment from Massachusetts just then; but I hoped that an opportunity might come later. President Harrison seemed to be much impressed with the suggestion, and said that he would bear it in mind.

When I went back to my room, it occurred to me that I had better speak to Mr. Blaine about it. If he first heard of it from the President he might think that I was trying to deal with the President about matters in his Department over his head and without consulting him. So I went round to the State Department early the next morning, and told Mr. Blaine what I had said to the President. I found that he knew all about Mr. Coolidge. I inadvertently spoke of him as grandson of Mr. Jefferson. Blaine immediately corrected me by saying, "great-grandson." He seemed to like the plan very well.

Nothing came of the matter at that time. But later, when the Pan-American Commission was appointed, the President, of his own motion, appointed Mr. Coolidge as one of the American representatives. Later, I happened to be one day at the White House, and President Harrison told me that Whitelaw Reid had announced his intention of resigning the French Mission before long. I reminded him of our conversation about Mr. Coolidge, and urged his name very strongly on him. He hesitated a good deal. I got the approval of every New England Senator but one to the proposal. The President still hesitated and seemed inclined to appoint Mr. Andrew D. White. But he finally yielded to the urgency for Mr. Coolidge. I should have been sorry if anything I had done had resulted in depriving the country of the service of Andrew D. White. I suppose him to be one of the very best representatives we ever had abroad. But an opportunity came soon after, to send him first to Russia, and then to Germany, where he has represented what is best in the character, ability, desire, interest and scholarship of the American people.

So we had two first-rate representatives abroad instead of one. Mr. Coolidge discharged his functions to the satisfaction of the Administration, and to the universal approval of his countrymen.

He received me when I visited Paris with a very cordial and delightful hospitality. I had the pleasure of meeting at his house at dinner M. Ribot, then Prime Minister of France and afterward President of

the French Republic, and several others of the leading men in their public life. But I spoke French very imperfectly indeed, and understood it much less, when spoken by a Parisian. The conversation was, in general, in French. So I got very little knowledge of them by being in their society.

My visit in England gave me a good deal more to remember. Mr. Lincoln also received me with great cordiality. He gave a dinner at which several of the leaders of the Liberal Party were present; among them, Sir William Vernon Harcourt. I had letters to Sir William Vernon Harcourt, and to Lord Rosebery, and to Lord Coleridge, Lord Chief Justice of England. Sir William Vernon Harcourt and Lord Rosebery each called on me, and spent an hour at my room. But Parliament was dissolved just at that time, so the Liberal leaders had at once to begin the campaign which resulted in Mr. Gladstone's victory. So I had no opportunity to make an intimate acquaintance with either of them. I owed to Dr. Oliver Wendell Holmes an introduction to John Bellows, a Quaker, a most delightful gentleman, the first authority in his time on the Roman antiquities of Great Britain, a fine classical scholar and learned in old English literature and in the languages from which came the roots of our English tongue. I formed with him a close friendship which ended only with his death, in 1902. A year before he died he visited me in my home at Worcester, and received the degree of Master of Arts from Harvard. Mr. Bellows is the author of the wonderful French Dictionary.

I spent a few days with Lord Coleridge in Devon. His house at Ottery St. Mary's is close to the spot where Samuel Taylor Coleridge was born. I met there several of the race. I do not know whether they were living in the neighborhood or happened to be there on a visit.

I found in the church, close by, the tomb of John Sherman, one of my own kindred, I have no doubt, of the race which came from Colchester and Dedham in Essex, and Yaxley in Suffolk.

The Lord Chief Justice was much distressed lest he had done wrong in complying with General Butler's invitation to visit him at Lowell. He said that many of his American friends had treated him coldly afterward, and that his friend Richard Dana, whom he highly esteemed, had refused to call upon him for that reason.

I told him he did absolutely right, in my opinion. I said that General Butler was then Governor of the Commonwealth of Massachusetts, and that an eminent person, holding a high official character, from a foreign country, could not undertake to question the personal character, or the title to be considered gentlemen, of the men whom the American people put into their high places.

Lord Coleridge said he received fifty guineas every morning for his services in the Tichborne trial. "But," he added, "my general practice in my profession was so much interrupted by it that I could not have got along that year but for my salary as Attorney-General."

He spoke with great pride of his cross-examination of the Claimant. He said one of the papers had complained that his cross-examination did no good to his case whatever. "But I made him admit that he sent his photograph to some person, as the photograph of Arthur Orton." He said the common people in England still held to the belief that the Claimant was the genuine Sir Roger Tichborne, and, by a curious contradiction, this feeling was inspired largely by their sympathy with him as a man of humble birth. I said, "Yes, I think that is true. I heard somebody, a little while ago, say that they heard two people talking in the cars, and one of them said to the other, 'They wouldn't give him the estate, because he was the son of a poor butcher.'" This very much amused the Lord Chief Justice.

I asked him about the story I had heard and had verified some time before, of the connection, in the person of Lady Rolle, between two quite remote periods. Lady Rolle was alive until 1887, maintaining her health so that she gave dinner parties in that year, shortly before she died. She was the widow of Mr. Rolle, afterward Lord Rolle, who made a violent attack on Charles James Fox in 1783. He was then thirty-two years old. From him the famous satire, the *Rolliad*, took its name. When he went to pay his homage to Queen Victoria at her Coronation in Westminster Abbey, he was quite feeble, and rolled down the steps of the throne. The young Queen showed her kindness of heart by jumping up and going to help him in person. Some of the English told the foreigners present at the ceremonial that that was part of the ceremony, and that the Rolles held their lands on the tenure of going through that performance at every coronation. Lady Rolle was married to her husband in 1820. He was then sixty-nine, and she a young girl of twenty years old. He was eighty or ninety years old when he died, and she survived as his widow for many years. Something came up on the subject of longevity which induced me to refer to this story and ask Lord Coleridge if it were true. We were then riding out together; "Yes," said he, "there," pointing to a dwelling-place in full sight, "is the house where she lived."

His Lordship asked me about an American Judge with whom he had some acquaintance. I told him that I thought his reputation was rather that of a jurist than a Judge. "Oh, yes," said he, "a jurist is a man who knows something about the law of every country but his own."

Lord Coleridge had a good reputation as a story-teller. It was pleasant to get an auditor who seemed to like to hear the stories which have got rather too commonplace to be worth telling over here. He had a great admiration for President Lincoln, and was eager to hear anything anybody had to tell of him. I told him the famous story of Lincoln's reply to the man who had left with him his poem to read, when he gave it back. "If anybody likes that sort of thing, it's just the sort of thing they'd like." I overheard his Lordship, as he circulated about the room, a little while afterward, repeating the story to various listeners.

He thought Matthew Arnold the greatest living Englishman. He spoke with great respect of Carlyle. He said: "Emerson was an imitator of Carlyle, and got his thoughts from him." I could not stand that. It seemed to me that he had probably never read a page of Emerson in his life, and had got his notion from some writer for a magazine, before either of these great men was well known. I took the liberty of saying, with some emphasis, "Emerson was a far profounder and saner intellect than Carlyle." To which he said, "Why, what do you say?" I repeated what I had said, and he received the statement with great politeness, but, of course, without assent.

During this summer I paid a visit to Moyle's Court, near Southampton, formerly owned by Lady Alice Lisle, whose daughter married Leonard Hoar, President of Harvard College. Leonard Hoar was the brother of my ancestor, John Hoar of Concord, and the son of Charles Hoar, Sheriff of Gloucester. There is a statement in an old account of some Puritan worthies that I have seen, to the effect that John Hoar and Leonard married sisters. If that be true, John Hoar's wife, Alice, was a daughter and namesake of Lady Alice Lisle. Although I should like to believe it, I am afraid that the claim cannot be made good. Lady Alice Lisle was a lady of large wealth and good lineage. Her husband was John Lord Lisle, who was Lord Justice under Cromwell, and one of the Judges in the trial of Charles I. He drew the indictment and sentence of the King, and sat next to Bradshaw at the trial, and directed and prompted him in difficult matters. He was murdered one Sunday morning on his way to church when in exile at Lausanne, Switzerland, on the Lake of Geneva, by three ruffians, said to be sent for that purpose by Queen Henrietta. Lady Alice Lisle was a victim of the brutality of Jeffries. After Monmouth's rebellion and defeat, she gave shelter and food to two fugitives from Monmouth's army. The report of her trial is in Howell. There was no proof that she knew that they were fugitives from Monmouth's army, although she supposed one of them was a Dissenting minister. There had been no conviction of the principals, which the English law required before an accessory after the fact could be found guilty. She suggested this point at the trial, but it was overruled by Jeffries. He conducted the case with infinite brutality. She was a kindly old lady, of more than seventy years. She slept during part of the trial, probably being fatigued by the journey, in which she had been carried on horseback from Moyle's Court to Winchester, and the sleepless nights which would naturally have followed. She was sentenced to be burned at the stake. But the sentence was commuted to beheading, at the intercession of the gentry of the neighborhood. She had disapproved of the execution of the King; said she had always prayed for him, and had a son in the King's army. Macaulay's account of the story is familiar to all readers of English history.

I was received at the old house with great kindness by Mrs. Fane, wife of the present proprietor. It is a beautiful old house with carved oak partitions, with a dining room rising to the roof. Lady Lisle's chamber and the place where the two fugitives were concealed are still shown. Mrs. Fane had gathered some local traditions which are not found in print. One old lady, who had been well known to persons now living, had received some of them from her grandmother, who was cotemporary with Lady Alice.

The lady was very popular with her tenants in the neighborhood. The messenger who came from Winchester to arrest her took her on horseback behind him, according to the custom of the time. The horse cast a shoe. The messenger was for pressing on without regard to the suffering of the animal. She insisted that he should stop and have the horse shod. The man roughly refused. She said: "I have made no outcry, on my own account. But everybody here loves me. If you do not stop, I shall cry out. You will never get away with me alive." The fellow was frightened and consented to stop at a smithy. When the smith had finished his work, Lady Lisle said: "I will be back this way in two or three days, and I will pay you." To this the messenger said: "Yes, you will be back this way in two or three days, but without your head."

The headless body was brought back from Winchester after the trial. The next day, when the household were at dinner, a man came to the outside and thrust into the dining room window a basket, containing her head. This was said to be for "greater indignity."

Lady Lisle had known Hicks, one of the persons whom she relieved, before. When the court was sitting for the trial of Charles I., she went up to London to expostulate with her husband. She arrived at his lodgings just as he was setting out in a procession, with some state, for Westminster Hall, where the trial was held. As she approached to speak to him, he did not recognize her in the soiled dress in which she had travelled, and motioned her away rather roughly. It was said that she was overcome by the

press in the crowd and fell to the ground. Hicks, who was a Dissenting minister, raised her up and took her to his own lodging near by in the Strand. She said to him that she could not recompense him there, but if he would come to Hampshire, or to the Isle of Wight, where she had property, she would be glad to repay him.

Saturday, October 22, 1892, with Mrs. Hoar and her sister, Mrs. Rice, I went from Southampton to Ringwood, about twenty miles, and thence drove to Ellingham Church, about two miles and a half. The church is a small but very beautiful structure of stone, with a small wooden belfry. The tomb of Lady Alice Lisle is a heavy, flat slab of gray stone, raised about two or three feet from the ground, bearing the following inscription:

Here lies Dame Alicia Lisle and her daughter Ann Harfeld who dyed the 17th of Feb. 1703-4
Alicia Lisle dyed the second of Sept. 1685.

It is close to the wall of the church, on the right of the porch. In the church is seen the old Lisle pew of carved oak, now the pew of the Earl of Normanton. Opposite the pew is the pulpit, also of carved black oak, apparently ancient. The church contains a tablet to the memory of the former owner of Moyle's Court, who died in 1622.

Moyle's Court is about a mile and a half from Ellingham Church. The drive is along a beautiful lane shaded by trees whose branches meet from the two sides, through a beautiful and fertile country, adorned by herds of fine cattle. Moyle's Court is a large two-story building, consisting of two square wings connected by the main building. The wings project from the main building in front, but the whole forms a continuous line in the rear. As you approach it, you pass numerous heavy, brick outbuildings, including several farmhouses, one of which is quite large, and apparently of great antiquity. We were received by Mrs. Fane with the greatest courtesy. She said that the landed estate connected with Moyle's Court is very large, now or recently yielding the Earl of Normanton seven thousand pounds a year.

The present occupant of Moyle's Court, Frederick Fane, Esq., came there about twenty-one years before. The house was then much dilapidated, but he has restored it in a style in keeping with the ancient architecture. The principal room is a dining hall, rising from the ground some twenty-five feet in height, with a gallery at one end, on a level with the second story. The walls of this room are of beautiful, carved oak, the front of the gallery being ancient, and as it existed in the time of Lady Alice Lisle. The staircase, also of fine, carved oak, is of equal antiquity. The carved oak in the passages and some of the other rooms has been restored by Mr. Fane from material found in the attic. There is also a curious old kitchen, with a large fireplace, with a closet in the chimney where it is said one of the persons succored by Lady Alice Lisle was found hidden. In the cellar is a curiously carved head on a stone beam, which seemed as if it might formerly have supported a mantel-piece or shelf. It is said that this portion of the cellar was once a chapel.

Some of the chambers have been named by Mr. Fane from persons connected with the tragedy—Dame Alicia, Monmouth, Nelthrop, Hicks, Tryphena—these names being inscribed on the doors. The room is shown where Lady Lisle is said to have been seized.

The old tombstone over the grave of Leonard Hoar and his wife, at the Quincy burial-ground, in Massachusetts, is almost an exact copy of that over Lady Alice Lisle, at Ellerton near Moyle's Court. They were doubtless selected by the same taste. Mrs. Leonard Hoar, whose maiden name was Bridget Lisle, was connected quite intimately with three of the great tragedies in the history of English liberty. Her father, as has been said, was murdered at Lausanne. Her mother was murdered under the form of the mock judgment of Jeffries, at Winchester. Her niece married Lord Henry Russell, son of the Duke of Bedford, and brother of Lord William Russell, the story of whose tragic death is familiar to every one who reads the noble history of the struggle between liberty and tyranny which ended with the Revolution of 1688.

Bridget Hoar married again after the death of her husband, President Hoar. Her second husband was a Mr. Usher, who seems to have been insane. She lived with him very unhappily, then separated from him and went back to England, staying there until he died. She then came back to Boston and died, May 25, 1723. At her own request she was buried at the side of her first husband. A great concourse of the clergy and the principal citizens, including the Governor, attended her funeral.

It was my good fortune to be instrumental, after this visit, in correcting an evil which had caused great annoyance to our representatives abroad for a good many years.

The Americans have never maintained their representatives abroad with a dignity becoming a great power like the United States. The American Minister is compelled by our rules to wear a dress which

exposes him to be mistaken for a waiter at any festive gathering. Distinctions of rank are well established in the diplomatic customs of civilized nations. It is well understood that whether a representative of a country shall be an Ambassador, a Minister Plenipotentiary, a Minister Resident, or a Charge' d'affaires, depends on the sense of its rank among the nations of the world of the country that sends him. For many years all argument was lost on Congress. The United States representative must not adopt the customs as to dress of the effete monarchies of the old world. To send an Ambassador instead of a Minister was to show a most undemocratic deference to titles, abhorrent to every good republican. There had been several attempts to make a change in this matter, always unsuccessful, until I went abroad in 1892.

When I was in London in that year, I saw a great deal of Mr. Lincoln. He told me how vexatious he found his position. When the Minister for Foreign Affairs received the diplomatic representatives of other countries at the Foreign Office, Ambassadors were treated as belonging to one rank, or class, and the Ministers as to a lower one. The members of each class were received in the order of their seniority. We change our Ministers with every Administration. So the Minister of the United States is likely to be among the juniors. He might have to wait all day, while the representatives of insignificant little States were received one after another. If, before the day ended, his turn came, some Ambassador would arrive, who would get there, perhaps, five minutes before it was time for Mr. Lincoln to go in, he had precedence at once. So the representative of the most powerful country on earth might have to lose the whole day, only to repeat the same experience on the next.

An arrangement was made which partly cured the trouble by the Minister for Foreign Affairs receiving Mr. Lincoln, on special application, informally, at his residence, on some other day. But that was frequently very inconvenient. And, besides, it was not always desirable to make a special application for an audience, which would indicate to the English Government that we attached great importance to the request he might have to make, so that conditions of importance would be likely be attached to it by them. It was quite desirable, sometimes, to mention a subject incidentally and by the way, rather than to make it matter of a special appointment.

When I got to Paris, I found Mr. Coolidge complaining of the same difficulty. I told our two Ministers that when I got home I would try to devise a remedy. Accordingly I proposed and moved as an amendment to the Consular and Diplomatic Appropriation Bill, the following clause:

"Whenever the President shall be advised that any foreign government is represented, or is about to be represented in the United States, by an Ambassador, Envoy Extraordinary, Minister Plenipotentiary, Minister Resident, Special Envoy, or Charge' d'affaires, he is authorized, in his discretion, to direct that the representatives of the United States to such government shall bear the same designation. This provision shall in no wise affect the duties, powers, or salary of such representative."

This had the hearty approval of Senators Allison and Hale, the leading members of the Committee on Appropriations, and was reported favorably by that Committee.

Senator Vest was absent when the matter came up, and it passed without opposition. Mr. Vest announced, the next day, that he had intended to oppose it. I am afraid if he had, he would have succeeded in defeating it.

When it went to the House, the Committee on Appropriations consented to retain the amendment, and it was favored by Mr. Hitt of Illinois, who had, himself, represented the country abroad and knew all about such matters. There was a little opposition in the House. But it was quieted without great difficulty. Vice-President Morton, who had, himself, represented the country at Paris, went personally to the House and used his great influence in favor of the proposition. Mr. Blount of Georgia, a very influential Democrat, threatened to make a strong opposition. But the gentlemen who favored it said to him: "Now you are going out of the House, but your countrymen will not long let you stay in retirement. You will be summoned to important public service somewhere. It is quite likely that your political friends will call you to one of these important diplomatic places, where you will be in danger of suffering the inconvenience yourself, if the present system continue." Mr. Blount was pacified. And the measure which I think would have been beaten by a pugnacious opposition in either House of Congress, got through.

Among the most impressive recollections of my life is the funeral of Tennyson in Westminster Abbey. I got a seat at the request of the American Minister by the favor of Archdeacon Farrar, who had charge of the arrangements. It was a most impressive scene. I had a seat near the grave, which was in the Poets' Corner, of which the pavement had been opened. The wonderful music; the stately procession which followed the coffin through the historic West entrance, in the most venerable building in the world, to lay the poet to sleep his last sleep with England's illustrious dead of more than a thousand years,

In those precincts where the mighty rest,
With rows of statesmen and with walks of Kings,

to which

Ne'er since their foundation came a nobler guest,

was unspeakably touching and impressive. The solemn burial service was conducted by the aged Dean, doomed, not long after, to follow the beloved poet to his own final resting-place near by.

The choir sang two anthems, both by Tennyson—"Crossing the Bar" and "Silent Voices"—the music of the latter by Lady Tennyson.

The grave lay next to Robert Browning's, hard by the monument to Chaucer. I looked into it and saw the oaken coffin with the coronet on the lid.

The pall-bearers were the Duke of Argyle, Lord Dufferin, Lord Selbourne, Lord Rosebery, Mr. Jowett, Mr. Lecky, Mr. Froude, Lord Salisbury, Dr. Butler, Head of Trinity, Cambridge, Sir James Paget, Lord Kelvin and the United States Minister. The place of Mr. Lincoln, who had gone home on leave of absence, was taken by Mr. Henry White.

After depositing the body, the bearers passed the seat where I sat, one by one, pressing through between two rows of seats, so that their garments touched mine as they went by.

The day was cloudy and mournful, blending an unusual gloom with the dim religious light of the Abbey. But just as the body was let down into the earth, the sun came out for a moment from the clouds, cheering and lightening up the nave and aisles and transepts of the mighty building. As the light struck the faces of the statues and the busts, it seemed for a moment that the countenances changed and stirred with a momentary life, as if to give a welcome to the guest who had come to break upon their long repose. Of course it was but an idle imagination, begot, perhaps, of the profound excitement which such a scene, to the like of which I was so utterly unaccustomed, made upon me. But as I think of it now, I can hardly resist the belief that it was real.

It was my good fortune during this journey to become the purchaser of Wordsworth's Bible. It was presented to him by Frederick William Taber, the famous writer of hymns. While it is absolutely clean, it bears the mark of much use. It was undoubtedly the Bible of Wordsworth's old age. On my next visit to England I told John Morley about it. He said, if it had been known, I never should have been allowed to take it out of England. It bears the following inscription in Taber's handwriting:

William Wordsworth
From Frederick Wm Taber,
In affectionate acknowledgment of his many kindnesses,
and of the pleasure and advantage of his friendship.
Ambleside. New Year's Eve. 1842. A. D.
Be stedfast in thy Covenant, and be *conversant*
therein, and wax old in thy work.
Ecclesiasticus XI. 20.

CHAPTER XXI VISITS TO ENGLAND 1896

In 1896 I found myself again utterly broken down in health and strength. I had, the November before, a slight paralysis in the face, which affected the muscles of the lower lid of one of my eyes, causing a constant irritation in the organ itself. After a time this caused a distortion of the lips, which I concealed somewhat by a moustache. But it operated, for a little while, as an effective disguise. When I came home during the winter, an old conductor on the Boston & Albany Railroad, whom I had known quite well, when he took my ticket looked at me with some earnestness and said, "Are you not related to Senator Hoar?" To which I answered, "I am a connection of his wife, by marriage."

I found I must get rid of the work at home, if I were to get back my capacity for work at all. So I sailed for Southampton before the session of Congress ended. It was the only time I had absented myself from my duties in Congress, except for an urgent public reason, for twenty-seven years and more.

I saw a good many interesting English people. It is not worth while to give the details of dinners and

lunches and social life, unless something of peculiar and general interest occur. Almost every American who can afford it goes abroad now. Our English kinsmen are full of hospitality. They have got over their old coldness with which they were apt to receive their American cousins, although they were always the most delightfully hospitable race on earth when you had once got within the shield of their reserve.

I remember especially, however, a very pleasant Sunday spent on the Thames, at the delightful home of William Grenfell, Esq., which I mention because, by a fortunate accident, the visit had some very interesting consequences. There I met Sir John Lubbock, now Baron Avebury, famous for his writings on financial questions and on Natural History, especially for his observations of the habits of ants. He told me, if I am not mistaken, that he had personally watched the conduct and behavior of more than fifteen thousand individual ants. There was a company of agreeable English ladies and gentlemen. They played games in the evening after dinner, as you might expect of a company of American boys and girls of sixteen or eighteen years old.

Mr. Grenfell was a famous sportsman. His house was filled with the trophies of his skill in hunting. I was told that he had crossed the Channel in a row-boat.

Sir John Lubbock invited me to breakfast with him a few days afterward in St. James Square. There I met a large number of scientific men, among them the President of the Geographical Society, and the Presidents or Heads of several other of the important British Societies. I was presented to all these gentlemen. But I found I could not easily understand the names, when they were presented. Englishmen usually, even when they speak the language exactly as we do, have a peculiar pronunciation of names, which makes it very hard for an American ear to catch them. I could not very well say, "What name did you say?" or ask the host to repeat himself. So I was obliged to spend the hour in ignorance of the special dignity of most of the illustrious persons whom I met.

Just behind my chair hung a full-length portrait of Admiral Boscawen, a famous naval officer connected with our early history. For him was named the town of Boscawen in New Hampshire, where Daniel Webster practised law. The house where we were had been his. I think he was in some way akin to the host.

I sailed for home on Wednesday. The Friday night before, I dined with Moreton Frewen, Esq., an accomplished English gentleman, well known on this side of the Atlantic. Mr. Frewen had been very kind and hospitable to me, as he had been to many Americans. He deserves the gratitude of both nations for what he has done to promote good feeling between the two countries by his courtesy to Americans of all parties and ways of thinking. He has helped make the leading men of both countries know each other. From that knowledge has commonly followed a hearty liking for each other.

I mention this dinner, as I did the visit to Mr. Grenfell, because of its connection with a very interesting transaction. The guests at the dinner were Sir Julian Pauncefote, afterward Lord Pauncefote, the British Ambassador to the United States, who was then at home on a brief visit; Sir Seymour Blaine, an old military officer who had won, as I was told, great distinction in the East, and two Spanish noblemen.

The soldier told several very interesting stories of his military life, and of what happened to him in his early days.

Of these I remember two. He said that when he was a young officer, scarcely more than a boy, he was invited by the Duke of Wellington, with other officers, to a great ball at Apsley House. Late in the evening, after the guests had left the supper room, and it was pretty well deserted, he felt a desire for another glass of wine. There was nobody in the supper room. He was just pouring out a glass of champagne for himself, when he heard a voice behind him. "Youngster, what are you doing?" He turned round. It was the Duke. He said, "I am getting a glass of wine." To this the Duke replied, "You ought to be up-stairs dancing. There are but two things, Sir, for a boy like you to be doing. One is fighting; the other dancing with the girls. As for me I'm going to bed." Thereupon the Duke passed round the table; touched a spring which opened a secret door, in what was apparently a set of book-shelves, and disappeared.

Sir Seymour Blaine told another story which, I dare say, is well known. But I have never seen it in print. He said that just before the Battle of Talavera when the Duke, then Sir Arthur Wellesley, was in command in Spain, the English and French armies had been marching for many days on parallel lines, neither quite liking to attack the other, and neither having got the advantage in position which they were seeking. At last, one day, when everybody was pretty weary with the fatigues of the march, the Duke summoned some of his leading officers together and said to them: "You see that clump of trees (pointing to one a good distance away, but in sight from where they stood)—when the head of the French column reaches that clump of trees, attack. As for me I'm going to sleep under this bush." Thereupon the great soldier lay down, all his arrangements being made, and everything being in

readiness, and took his nap while the great battle of Talavera— on which the fate of Spain and perhaps the fate of Europe depended—was begun. This adds another instance to the list of the occasions to which Mr. Everett refers when he speaks of Webster's sleeping soundly the night before his great reply to Hayne.

"So the great Conde' slept on the eve of the battle of Rocroi; so Alexander slept on the eve of the battle of Arbela; and so they awoke to deeds of immortal fame!"

But this dinner of Mr. Frewen's had a very interesting consequence. As I took leave of him at his door about eleven o'clock, he asked me if there were anything more he could do for me. I said, "No, unless you happen to know the Lord Bishop of London. I have a great longing to see the Bradford Manuscript before I go home. It is in the Bishop's Library. I went to Fulham the other day, but found the Bishop was gone. I had supposed the Library was a half-public one. I asked the servant who came to the door for the librarian. He told me there was no such officer, and that it was treated in all respects as a private library. But I should be very glad if I could get an opportunity to see it." Mr. Frewen answered, "I do not myself know the Bishop. But Mr. Grenfell, at whose house you spent Sunday, a little while ago, is his nephew by marriage. He is in Scotland. But if I can reach him, I will procure for you a letter to his uncle." That was Friday. Sunday morning there came a note from Mr. Grenfell to the Bishop. I enclosed it to his Lordship in one from myself, in which I said that if it were agreeable to him, I would call at Fulham the next Tuesday, at an hour which I fixed. I got a courteous reply from the Bishop, in which he said that he would be glad to show me the "log of the Mayflower," as he called it. I kept the appointment, and found the Bishop with the book in his hand. He received me very courteously, and showed me a little of the palace. He said that there had been a Bishop's palace on that spot for more than a thousand years.

I took the precious manuscript in my hands, and examined it with an almost religious reverence. I had delivered the address at Plymouth, the twenty-first of December, 1895, on the occasion of the two hundred and seventy-fifth anniversary of the landing of the Pilgrims upon the rock. In preparing for that duty I read carefully, with renewed enthusiasm and delight, the noble and touching story as told by Governor Bradford. I declared then that this precious history ought to be in no other custody than that of their children.

There have been several attempts to procure the return of the manuscript to this country. Mr. Winthrop, in 1860, through the venerable John Sinclair, Archdeacon, urged the Bishop of London to give it up, and proposed that the Prince of Wales, then just coming to this country, should take it across the Atlantic and present it to the people of Massachusetts. The Attorney-General, Sir Fitzroy Kelley, approved the plan, and said it would be an exceptional act of grace, a most interesting action, and that he heartily wished the success of the application. But the Bishop refused. Again, in 1869, John Lothrop Motley, the Minister to England, who had a great and deserved influence there, repeated the proposition, at the suggestion of that most accomplished scholar, Justin Winsor. But his appeal had the same fate. The Bishop gave no encouragement, and said, as had been said nine years before, that the property could not be alienated without an Act of Parliament. Mr. Winsor planned to repeat the attempt on his visit to England in 1887. When he was at Fulham the Bishop was absent, and he was obliged to go home without seeing him in person.

In 1881, at the time of the death of President Garfield, Benjamin Scott, Chamberlain of London, proposed again in the newspapers that the restitution should be made. But nothing came of it.

When I went abroad I determined to visit the locality on the borders of Lincolnshire and Yorkshire, from which Bradford and Brewster and Robinson, the three leaders of the Pilgrims, came, and where their first church was formed, and the places in Amsterdam and Leyden where the emigrants spent thirteen years. But I longed especially to see the manuscript of Bradford at Fulham, which then seemed to me, as it now seems to me, the most precious manuscript on earth, unless we could recover one of the four gospels as it came in the beginning from the pen of the Evangelist.

The desire to get it back grew and grew during the voyage across the Atlantic. I did not know how such a proposition would be received in England. A few days after I landed I made a call on John Morley. I asked him whether he thought the thing could be done. He inquired carefully into the story, took down from his shelf the excellent though brief life of Bradford in Leslie Stephen's "Biographical Dictionary," and told me he thought the book ought to come back to us, and that he should be glad to do anything in his power to help. It was my fortune, a week or two after, to sit next to Mr. Bayard at a dinner given to Mr. Collins, by the American consuls in Great Britain. I took occasion to tell him the story, and he gave me the assurance, which he afterward so abundantly and successfully fulfilled, of his powerful aid. I was compelled, by the health of one of the party with whom I was travelling, to go to the Continent almost immediately, and was disappointed in the hope of an early return to England.

After looking at the volume and reading the records on the flyleaf, I said: "My Lord, I am going to say

something which you may think rather audacious. I think this book ought to go back to Massachusetts. Nobody knows how it got over here. Some people think it was carried off by Governor Hutchinson, the Tory Governor; other people think it was carried off by British soldiers when Boston was evacuated; but in either case the property would not have changed. Or, if you treat it as booty, in which last case, I suppose, by the law of nations ordinary property does change, no civilized nation in modern times applies that principle to the property of libraries and institutions of learning."

The Bishop said: "I did not know you cared anything about it."

"Why," said I, "if there were in existence in England a history of King Alfred's reign for thirty years, written by his own hand, it would not be more precious in the eyes of Englishmen than this manuscript is to us."

"Well," said he, "I think myself that it ought to go back, and if it depended on me it would have gone back before this. But many of the Americans who have been here have been commercial people, and did not seem to care much about it except as a curiosity. I suppose I ought not to give it up on my own authority. It belongs to me in my official capacity, and not as private or personal property. I think I ought to consult the Archbishop of Canterbury. And, indeed," he added, "I think I ought to speak to the Queen about it. We should not do such a thing behind Her Majesty's back."

I said: "Very well, when I go home I will have a proper application made from some of our literary societies, and ask you to give it consideration."

I saw Mr. Bayard again and told him the story. He was at the train when I left London for the steamer at Southampton. He entered with great interest into the matter, and told me again he would do anything in his power to forward it.

When I got home I communicated with Secretary Olney about it, who took a kindly interest in the matter, and wrote to Mr. Bayard that the Administration desired he should do everything in his power to promote the application. The matter was then brought to the attention of the Council of the American Antiquarian Society, the Massachusetts Historical Society, the Pilgrim Society of Plymouth and the New England Society of New York. These bodies appointed committees to unite in the application. Governor Wolcott was also consulted, who gave his hearty approbation to the movement, and a letter was despatched through Mr. Bayard.

Meantime, Bishop Temple, with whom I had my conversation, had himself become Archbishop of Canterbury, and in that capacity Primate of all England. His successor, Rev. Dr. Creighton, had been the delegate of Emanuel, John Harvard's College, to the great celebration at Harvard University in 1886, on the two hundred and fiftieth anniversary of its foundation. He had received the degree of Doctor of Laws from the University, had been a guest of President Eliot, and had received President Eliot as his guest in England.

The full story of the recovery of the manuscript, in which the influence of Ambassador Bayard and the kindness of Bishop Temple, afterward Archbishop of Canterbury, had so large a part, is too long to tell here. Before the question was decided Archbishop Temple consulted Her Majesty, Queen Victoria, who took a deep interest in the matter, and gave the plan her cordial approval. I think, as I had occasion to say to the British Ambassador afterward, that the restoration of this priceless manuscript did more to cement the bonds of friendship between the people of the two countries than forty Canal Treaties. In settling Imperial questions both nations are thinking, properly and naturally, of great interests. But his restoration was an act of purest kindness. The American people, in the midst of all their material activities, their desire for wealth and empire, are a sentimental people, easily and deeply stirred by anything that touches their finer feelings, especially anything that relates to their history.

The Bishop was authorized to return the manuscript by a decree rendered in his own Court, by his Chancellor. The Chancellor is regarded as the servant of the Bishop, and holds office, I believe, at his will. But so does the King's Chancellor at the King's will. I suppose the arrangement by which the Chancellor determines suits in which his superior is affected may be explained on the same ground as the authority of the Lord Chancellor to determine suits in which the Crown is a party.

I was quite curious to know on what ground, legal or equitable, the decree for the restoration of the manuscript was made. I wrote, after the thing was over, to the gentleman who had acted as Mr. Bayard's counsel in the case, asking him to enlighten me on this subject. I got a very courteous letter from him in reply, in which he said he was then absent from home, but would answer my inquiry on his return. After he got back, however, I got a formal and ceremonious letter, in which he said that, having been employed by Mr. Bayard as a public officer, he did not think he was at liberty to answer questions asked by private persons. As the petition and decree had gone on the express ground that the application for the return of the manuscript was made by Mr. Bayard, not in his official, but only in his

private capacity, as he had employed counsel at my request, and I had been responsible for their fees, I was, at first, inclined to be a little vexed at the answer. On a little reflection, however, I saw that it was not best to be too curious on the subject; that where there was a will there was a way, and probably there was no thought, in getting the decree, on the part of anybody concerned, to be too strict as to legalities. I was reminded, however, of Silas Wegg's answer to Mr. Boffin, when he read aloud to him and his wife evening after evening "The Decline and Fall of the Roman Empire," which Silas had spoken of at first, as "The Decline and Fall of the Russian Empire." Mr. Boffin noticed the inconsistency, and asked Mr. Wegg why it was that he had called it "The Decline and Fall of the Russian Empire" in the beginning. To which Mr. Wegg replied that Mrs. Boffin was present, and that it would not be proper to answer that question in the presence of a lady.

The manuscript was brought to Massachusetts by Mr. Bayard, on his return to the United States at the end of his official term. It was received by the Legislature in the presence of a large concourse of citizens, to whom I told the story of the recovery. Mr. Bayard delivered the book to the Governor and the Legislature with an admirable speech, and Governor Wolcott expressed the thanks of the State in an eloquent reply. He said that "the story of the departure of this precious work from our shores may never in every detail be revealed; but the story of its return will be read of all men, and will become a part of the history of the Commonwealth. There are places and objects so intimately associated with the world's greatest men or with mighty deeds that the soul of him who gazes upon them is lost in a sense of reverent awe, as it listens to the voice that speaks from the past, in words like those which came from the burning bush, 'Put off thy shoes from off thy feet, for the place whereon thou standest is holy ground.'

"The story here told is one of triumphant achievement, and not of defeat. As the official representative of the Commonwealth, I receive it, sir, at your hands. I pledge the faith of the Commonwealth that for all time it shall be guarded in accordance with the terms of the decree under which it is delivered into her possession as one of her chiefest treasures. I express the thanks of the Commonwealth for the priceless gift, and I venture the prophecy that for countless years to come and to untold thousands these mute pages shall eloquently speak of high resolve, great suffering and heroic endurance made possible by an absolute faith in the over-ruling providence of Almighty God."

The Bishop gave the Governor of Massachusetts the right to deposit the manuscript either in his office at the State House or with the Massachusetts Historical Society, of which Archbishop Temple and Bishop Creighton, who succeeded Bishop Temple in the See of London, were both Honorary members. The Governor, under my advice, deposited the manuscript in the State House. It seemed to him and to me that the Commonwealth, which is made up of the Colony which Bradford founded, and of which he was Governor, blended with that founded by the Puritans under Winthrop, was the fitting custodian of the life in Leyden of the founders of Plymouth, of the voyage across the sea, and of the first thirty years of the Colony here. It is kept in the State Library, open at the spot which contains the Compact made on board the Mayflower—the first written Constitution in history. Many visitors gaze upon it every year. Few of them look upon it without a trembling of the lip and a gathering of mist in the eye. I am told that it is not uncommon that strong men weep when they behold it.

CHAPTER XXII SILVER AND BIMETALLISM

I was compelled, by the state of my health, to be absent from the country in the campaign which preceded the Presidential election of 1896, except for the last week or two. But, of course, I took a very deep interest indeed in the campaign. Mr. Bryan's theories, and those of his followers in many parts of the country, had thoroughly alarmed the business men of the Northern and Eastern States. But in the new States of the Northwest, especially in those that contained silver mines, a large majority of the people, without distinction of party, had become converts to the doctrine that the United States should coin silver at a ratio compared to gold of sixteen to one, and make the silver so coined legal tender in the payment of all debts, public and private. The price of silver as compared with that of gold had been constantly falling for several years past. This was attributed to the effect of the legislation which demonetized silver except to a limited amount. Several eminent Republicans, both in the Senate and in the House, as well as many others in private station, left the Republican Party on that issue. Several States that had been constantly and reliably Republican became Democratic or Populist, under the same influence.

The Democratic Platform of 1896 demanded the immediate restoration of the free coinage of gold and silver at the present ratio of 16 to 1, without waiting for the consent of any other nation. That doctrine was reaffirmed and endorsed in the Democratic National Platform for 1900.

There were two theories among the persons who desired to maintain the gold standard. One was entertained by the persons known as Gold Monometallists. They insisted that no value could be given to

any commodity by legislation. They said that nothing could restore silver to its old value as compared with gold; that its fall was owing to natural causes, chiefly to the increased production. They insisted that every attempt to restore silver to its old place would be futile, and that the promise to make the attempt, under any circumstances, was juggling with the people, from which nothing but disaster and shame would follow. They justly maintained that, if we undertook the unlimited coinage of silver, and to make it legal tender, under the inevitable law long ago announced by Gresham, the cheaper metal, silver, would flow into the country where it would have a larger value for the purpose of paying debts, and that gold, the more precious metal, would desert the country where there would be no use found for it as long as the cheaper metal would perform its function according to law. From this, it was claimed, would follow the making of silver the exclusive basis of all commercial transactions; the disturbance of our commercial relations with other countries, and the establishment of a standard of value which would fluctuate and shrink as the value of silver fluctuated and shrunk. So that no man who contracted a debt on time could tell what would be the value of the coin he would be compelled to pay when his debt became due, and all business on earth would become gambling. They, therefore, demanded that the Republican Party should plant itself squarely on the gold standard; should announce its purpose to make gold the exclusive legal tender for the country, and appeal to the people for support in the Presidential election, standing on that ground.

To them their antagonists answered, that the true law was stated by Alexander Hamilton in his famous Report, accepted by all his contemporaries, and by all our statesmen of all parties down to 1873 or thereabouts, and recognised in the Constitution of the United States. That doctrine was, that the standard of value must necessarily be fixed by the agreement of all commercial nations. No nation could, without infinite suffering and mischief, undertake to set itself against the rule adopted by the rest of mankind. It was best, if the nations would consent to it, to have two metals instead of one made legal tender, at a ratio to be agreed upon by all mankind, establishing what was called Bimetallism. If this were done, the Gresham law could not operate, because there would be no occasion for the cheaper metal to flow into any one country by reason of its having a preference there in the payment of debts; and nothing which would cause the more precious metal to depart from any country by reason of its being at a disadvantage. If such a rule were adopted, and a proper ratio once established, it would be pretty likely to continue, unless there were a very large increase in the production of one metal or the other. If the supply of gold in proportion to silver were diminished a little, the corresponding demand for silver by all mankind would bring up its price and cure the inequality. So, if the supply of gold were to increase in proportion to silver, a like effect would take place.

If, however, the nations of the world were to agree on one metal alone, it was best that the most precious metal should be taken for that purpose.

The above, in substance, was the doctrine of Alexander Hamilton, the ablest practical financier and economist that ever lived, certainly without a rival in this country.

The duties specially assigned to me in the Senate and in the House related to other matters. But I made as thorough and faithful a study as I could of this great question, and accepted Hamilton's conclusions. I believed they were right in themselves, and thought the reasons by which they were supported, although the subject is complex and difficult, likely to find favor with the American people. Silver has always been a favorite metal with mankind from the beginning. While gold may be the standard of value, it is too precious to be a convenient medium of payment for small sums, such as enter into the daily transactions of ordinary life. It is said that you can no more have a double standard, or two measures of value, than you can have a double standard, or two measures of distance. But the compensating effect may be well illustrated by what is done by the makers of clocks for the most delicate measurements of time, such as are used for astronomical calculations. The accuracy of the clock depends upon the length of the pendulum and the weight which the pendulum supports. If the disk at the end of the pendulum be hung by a wire of a single metal, that metal expands and shrinks in length under changing atmospheric influences, and affects the clock's record of time. So the makers of these clocks resort to two or three wires of different metals, differently affected by the atmosphere. One of these compensates for and supplements the other, so that the atmospheric changes have much less effect than upon a single metal.

Beside the fact that I thoroughly believed in the soundness of bimetallism, as I now believe in it, I thought we ought not to give our antagonists who were pressing us so hard, and appealing so zealously to every debtor and every man in pecuniary difficulties, the advantage, in debate before the people, of arraying on their side all our great authorities of the past. We had enough on our hands to encounter Mr. Bryan and the solid South and the powerful Democratic Party of New York and the other great cities, and every man in the country who was uneasy and discontented, without giving them the right to claim as their allies Alexander Hamilton, and George Washington, and Oliver Ellsworth, and John C. Calhoun, and Daniel Webster, and Henry Clay, and Thomas H. Benton. I was, therefore, eager that the Republican Party should state frankly in its platform what I, myself, deemed the sound doctrine. It

should denounce and condemn the attempt to establish the free coinage of silver by the power of the United States alone, and declare that to be practical repudiation and national ruin. But I thought we ought also to declare our willingness, if the great commercial nations of the earth would agree, to establish a bimetallic system on a ratio to be agreed upon.

Some of the enemies of the Republican Party, who could not adopt the Democratic plan for the free coinage of silver, without contradicting all their utterances in the past, denounced this proposal as a subterfuge, a straddle, an attempt to deceive the people and get votes by pledges not meant to be carried out.

I believed then, and I believe now, that we were right in demanding that the Republican Party should go into the campaign with the declaration I have stated.

It is true that you cannot give value to any commodity by law. It is as idle to attempt to make an ounce of silver worth as much as an ounce of gold by legislation, as it is to try to make one pound weigh two pounds, or one yard measure two yards. You cannot increase the price of a hat, or a coat, or a farm, by act of Congress. The value of every article, whether gold or silver, whether used as money or as merchandise, must depend upon the inexorable law of demand and supply. But you can, by legislation, compel the use of an article, which use will create a demand for it, and the demand will then increase its price. If Congress shall require that every soldier in the United States Army shall wear a hat or coat of a particular material or pattern, or shall enact that every man who votes shall come to the polls dressed in broadcloth, if there be a limited supply of these commodities, the price of the hat or the coat or the broadcloth will go up. So, when the nations of the world joined in depriving silver of one of its chief uses—that of serving the function of a tender for the payment of debts, the value of silver diminished because one large use which it had served before was gone. Whether this doctrine be sound or no, it was the result of as careful study as I ever gave in my life, to any subject, public or private. It was not only the doctrine of the Fathers, but of recent generations. It was the doctrine on which the Republicans of Massachusetts, a community noted for its conservatism and business sagacity, had planted the Commonwealth, and it was the doctrine on which the American people planted itself and which triumphed in the election of 1896.

I have been accused, sometimes, of want of sincerity, and, by one leading New England paper, with having an imperfect and confused understanding of the subject. Perhaps I may be pardoned, therefore, for quoting two testimonials to the value of my personal contribution to this debate. One came from Senator Clay of Georgia, one of the ablest of the Democratic leaders. After I had stated my doctrine in a brief speech in the Senate one day, he crossed the chamber and said to me that, while he did not accept it, he thought I had made the ablest and most powerful statement of it he had ever heard or read. The other came from Charles Emory Smith, afterward a member of President McKinley's Cabinet and editor of the *Press*, a leading paper in Philadelphia. I have his letter in which he says that he think an edition of at least a million copies of my speech on gold and silver should be published and circulated through the country. He also said, in an article in the *Saturday Evening Post*, June 14, 1902:

"In the great contest over the repeal of the Silver Purchase Act he made the most luminous exposition, both of what had been done, and the reasons for it; and what ought to be done, and the grounds for it, that was heard in the Senate."

It occurred to me that I could render a very great service to my country, during my absence, if I could be instrumental in getting a declaration from England and France that those countries would join with the United States in an attempt to reestablish silver as a legal tender.

It was well known that Mr. Balfour, Leader of the Administration in the House of Commons, was an earnest bimetallicist. He had so declared himself in public, both in the House and elsewhere, more than once.

There had been a resolution, not long before, signed by more than two thirds of the French Chamber of Deputies, declaring that France was ready to take a similar action whenever England would move. I, accordingly, with the intervention of Mr. Frewen, the English friend I have just mentioned, arranged an interview with Mr. Balfour in Downing Street. We had a very pleasant conversation indeed. I told him that if he were willing, in case the United States, with France and Germany and some of the smaller nations, would establish a common standard for gold and silver, to declare that the step would have the approval of England, and that, although she would maintain the gold standard alone for domestic purposes, she would make a substantial and most important contribution to the success of the joint undertaking, that it would insure the defeat of the project for silver monometallism, from which England, who was so largely our creditor, would suffer, in the beginning almost as much as we would, and perhaps much more, and would avert the panic and confusion in the business of the world, which would be brought about by the success of the project.

I did not state to Mr. Balfour exactly what I thought the contribution of England to this result ought to be. He, on the other hand, did not tell me what he thought she would do. I did not, of course, expect that England would establish the free coinage of silver for her own domestic purposes. But I thought it quite likely that she would declare her cordial approval of the proposed arrangement between the other countries, and would reopen her India mints to the free coinage of the rupee, and maintain the silver standard for the Queen's three hundred million subjects in Asia. This contribution, I thought, if Great Britain went no farther, would give great support to silver, and would ensure the success of the concerted attempt of the other commercial nations to restore silver to its old place.

Mr. Balfour expressed his assent to my proposal, and entered heartily into the scheme. He said he would be very happy indeed to make such a declaration. I suggested to him that I had been authorized to say, by one or two gentlemen with whom I had talked, that, if he were willing, a deputation of the friends of Bimetallism would wait upon him, to whom he could express his opinion and purpose. He said he thought it would be better that he should write a letter to me, and that if I would write to him stating what I had said orally, he would answer it with such a statement as I desired. I told him I was going to Paris in a few days, and that I would write to him from Paris when I got there. The matter was left in that way. The next day, or the next day but one, a luncheon was given me at White's, the club famous for its memories of Pitt and Canning and the old statesmen of that time, and still the resort of many of the Conservative leaders of to-day. There were present some fifteen or twenty gentlemen, including several members of the Government. A gentleman who had known of my interview with Mr. Balfour, and sat at the table some distance from me, made some allusion to it which was heard by most of the guests. I said that I did not like to repeat what Mr. Balfour had said; that gentlemen in his position preferred, if their opinions were to be made public, to do it for themselves, rather than to have anybody else do it for them. To this, one member of the Government— I think it was Sir Michael Hicks-Beach, but I will not undertake to be sure—said: "It is no secret that Mr. Balfour's opinions are those of a majority of Her Majesty's Government."

I went to Paris, and wrote at once the letter that had been agreed upon, of which I have in my possession a copy. I at once secured an introduction to M. Fougierot, the Member of the French Assembly who had drawn and procured the signatures to the resolution to which I just referred. That is, I am told, a not uncommon way in France of declaring the sense of the House in anticipation of a more formal vote. He entered heartily into the plan. He thought Germany would at once agree, at any rate, he was sure that Belgium, Spain, Italy and all the European commercial powers would come into the arrangement, and that the whole thing would be absolutely sure if Great Britain were to agree. I waited a week or two for the letter from Mr. Balfour. In the meantime I got a letter from Mr. Frewen, who told me that Mr. Balfour had shown him the letter he had written to me; that it was admirable, and eminently satisfactory. But no letter came. I waited another week or two, and then got another letter from Mr. Frewen, in which he said that he had taken no copy of Mr. Balfour's letter, and had returned the original, and asked me, if I had no objection, if I would give him a copy of it. I answered that I had heard nothing, whereupon Mr. Frewen wrote a note to Mr. Balfour, telling him that I had not heard. Mr. Balfour said that he had, after writing the letter, submitted it to a meeting of his colleagues; that one of them had expressed his most emphatic disapproval of the plan, and that he did not feel warranted in taking such a step against the objection of one of his colleagues. I gathered, from what I heard afterward, that Mr. Balfour wished he had sent the letter without communicating its contents. But of this I have no right to be sure. Mr. Balfour sent Mr. Frewen the following letter, which is now in my possession. It was, I suppose with his approval, sent to me.

10 DOWNING STREET, WHITEHALL, S. W. August 6, 1896.

DEAR MORETON FREWEN.

I think Senator Hoar has just reason to complain of my long silence. But, the truth is that I was unwilling to tell him that my hopes of sending him a letter for publication had come to an end, until I was really certain that this was the case. I am afraid however that even if I am able now to overcome the objections of my colleagues, the letter itself would be too late to do much good. Please let me know what you think on this subject.

Yours sincerely,
ARTHUR JAMES BALFOUR.

I never blamed him. He was in the midst of a good deal of difficulty with his Education Bill. Certainly there can be no obligation on the Leader of the English House of Commons to do anything that he is not sure is for the interests of his own country, or his own party, for the sake of benefitting a foreign country, still less for the sake of affecting its politics. Indeed, I suppose Mr. Balfour would have utterly and very rightfully disclaimed any idea of writing such a letter, unless he thought what was proposed would benefit England. When I went back to London, an offer was made me later to arrange another

interview with Mr. Balfour, and see if something else could not be devised. This I declined. I thought I had gone as far as I properly could, with a due sense of my own dignity. The exigency at home had pretty much passed by.

A day or two after I got to Paris, after I had seen M. Fougirot, I cabled my colleague, Mr. Lodge, at St. Louis, where the delegates to the convention to nominate a President were then gathering, stating my hope that our convention would insert in its platform a declaration of the purpose of the Republican Party to obtain, in concert with other nations, the restoration of silver as a legal tender in company with gold, and that I had reason to feel sure that such a plan could be accomplished. This cable reached St. Louis on the morning the convention assembled. I do not know how much influence it had, or whether it had any, in causing the insertion of that plank in the platform. Such a plank was inserted. In my opinion it saved the Presidential election, and, in my opinion, in saving the Presidential election, it saved the country from the incalculable evil of the free coinage of silver.

After I came home, at the next winter's session, I told the story of what I had done, to a caucus of the Republican Senators. A Committee was thereupon appointed by John Sherman, President of the Caucus, to devise proper means for keeping the pledge of the National platform and establishing international bimetallism in concurrence with other nations. The Committee consisted of Messrs. Wolcott, Hoar, Chandler, Carter and Gear. They reported the Act of March 3, 1897, authorizing a commission to visit Europe for that purpose, of which Senator Wolcott was chairman.

A Commission was sent abroad by President McKinley, in pursuance of the pledge of the Republican National platform, to endeavor to effect an arrangement with the leading European nations for an international bimetallic standard. Senator Wolcott of Colorado, who was the head of this Commission, told me he was emboldened to undertake it by the account I had given. The Commission met with little success. I conjecture that the English Administration, although a majority of the Government, and probably a majority of the Conservative Party, were Bimetallists and favored an international arrangement on principle, did not like to disturb existing conditions at the risk of offending the banking interests at London, especially those which had charge of the enormous foreign investments, the value of which would be constantly increasing so long as their debts were payable, principal and interest, in gold, the value of which, also, was steadily appreciating.

It has been the fashion of some quite zealous—I will not say presumptuous, still less ignorant or shallow writers on this subject—to charge bimetallists with catering to a mischievous, popular delusion, for political purposes, or with shallowness in thinking or investigating. I have had my share of such criticism. All I have to say in reply to it is that I have done my best to get at the truth, without, so far as I am concerned, any desire except to get at and utter the truth. In addition to the authority of our own early statesmen, and to that of the eminent Englishmen to whom I have referred, I wish to cite that of my pupil and dear friend, General Francis A. Walker, who is declared by abundant European, as well as American authority, to be the foremost writer on money of modern times. He was a thorough believer in the doctrine I have stated.

He pointed out the danger, indeed the ruin, of undertaking to reestablish silver without the consent of foreign nations. But he declared that the happiness and, perhaps, the safety of the country rested on Bimetallism. He said:

"Indeed, every monometallist ought also to be a monocolist. Polyphemus, the old Cyclops, would be his ideal. Unfortunately our philosophers were not in the Garden of Eden at the time when the Creator made the mistake of endowing men with eyes in pairs. Perhaps it would not be too much to say that there are probably few men whose eyes do not differ from each other as to every element affecting vision by more than the degree from which gold and silver varied from the French standard of fifteen and a half to one for whole decades."

The German Imperial Parliament passed a resolution, in June, 1895, in favor of Bimetallism, and the Prussian Parliament passed a resolution favoring an international bimetallic convention, provided England joined it, May 22, 1895.

The great increase in the gold product of the world, and the constant diminution in the value of silver, have put an end to the danger of the movement for the free coinage of silver, and made the question purely academic or theoretic, at any rate for a good while to come. The same causes have diminished the desire for a bimetallic standard, and make the difficulty of establishing a parity between silver and gold, for the present, almost insuperable. So the question which excited so much public feeling throughout the world for nearly a quarter of a century, and endangered not only the ascendancy of the Republican Party, but the financial strength of the United States, has become almost wholly one of theory and ancient history.

After leaving Paris I spent a few delightful weeks at Innsbruck in Austria, and Reichenhall in

Germany, both near the frontier between those two countries. The wonderful scenery and the curious architecture and antiquity of those towns transport one back to the Middle Ages. But I suppose they are too well known now, to our many travellers, to make it worth while to describe them. I went to those places for the health of a lady nearly allied to my household. She was under the care of Baron Liebig, one of the most famous physicians in Germany, the son of the great chemist. I got quite well acquainted with him. He was a very interesting man. He had a peculiar method of dealing with the diseases of the throat and lungs like those under which my sister-in-law suffered. He had several large oval apartments, air-tight, with an inner wall made of porcelain, like that used for an ordinary vase or pitcher. From these he excluded all the air of the atmosphere, and supplied its place with an artificial air made for the purpose. The patients were put in there, remaining an hour and three quarters or two hours each day—I do not know but some of them for a longer time. Then they were directed to take long walks, increasing them in length day by day, a considerable part of the walk being up a steep hill or mountain. I believe his method was of very great value to the patient who was in my company. The Baron thought he could effect a complete cure if she could stay with him several months. But that was impossible.

CHAPTER XXIII VISITS TO ENGLAND 1899

I visited England again in 1899. I did not go to the Continent or Scotland. My wife consulted a very eminent London physician for an infirmity of the heart. He told her to go to the Isle of Wight; remain there a few weeks; then to go to Boscombe; stay a few weeks there; then to Malvern Hills, and thence to a high place in Yorkshire, which, I believe, is nearly, if not quite, the highest inhabited spot in England. This treatment was eminently advantageous. But to comply with the doctor's direction took all the time we had at our command before going home.

We had a charming and delightful time in the Isle of Wight. We stayed at a queer little Inn, known as the "Crab and Lobster," kept by Miss Cass, with the aid of her sister and niece. We made excursions about the island. I saw two graves side by side which had a good deal of romance about them. One was the grave of a woman. The stone said that she had died at the age of one hundred and seven. By its side was the grave of her husband, to whom she had been married at the age of eighteen, and who had died just after the marriage. So she had been a widow eighty-nine years, and then the couple, separated in their early youth, had come together again in the grave.

We found a singular instance of what Americans think so astonishing in England, the want of knowledge by the people of the locality with which they were familiar in life, of persons whose names have a world-wide reputation. In a churchyard at Bonchurch, about a mile from our Inn at Ventnor, is the grave of John Stirling—the friend of Emerson—of whom Carlyle wrote a memoir. Sterling is the author of some beautiful hymns and other poems, including what I think is the most splendid and spirited ballad in English literature, "Alfred the Harper." Yet the sexton who exhibited the church and the churchyard did not seem to know anything about him, and the booksellers near by never had heard of him. The sexton showed, with great pride, the grave of Isaac Williams, author of the "Shadow of the Cross" and some other rather tame religious poetry. He was a devout and good man, and seemed to be a feeble imitator of Keble. I dare say, the sexton first heard of Sterling and saw his grave when we showed it to him.

The scenery about Boscombe and the matchless views of the Channel are a perpetual delight, especially the sight, on a clear day, of the Needles.

We did not find it necessary to obey the doctor's advice to go to Yorkshire. After leaving Boscombe, I spent the rest of my vacation at Malvern Hills, some eight or nine miles north of Worcester, and some twenty miles from Gloucester.

The chief delight of that summer—a delight that dwells freshly in my memory to-day, and which will never be forgotten while my memory endures—was a journey through the Forest of Dean, in a carriage, in company with my friend—alas, that I must say my late friend!—John Bellows, of Gloucester. He was, I suppose, of all men alive, best qualified to be a companion and teacher of such a journey. He has written and published for the American Antiquarian Society an account of our journey—a most delightful essay, which I insert in the appendix. He tells the story much better than I could tell it. My readers will do well to read it, even if they skip some chapters of this book for the purpose. I am proud and happy in this way to associate my name with that of this most admirable gentleman.

I visited Gloucester. I found the houses still standing where my ancestors dwelt, and the old tomb in the Church of St. Mary de Crypt, with the word Hoare cut in the pavement in the chancel.

My ancestors were Puritans. They took an active part in the resistance to Charles I., and many traces are preserved of their activity in the civic annals of Gloucester. Two of my name were Sheriffs in those

days. There were two other Sheriffs whose wives were sisters of my direct ancestors. Charles Hoar, my direct ancestor, married one of the Clifford family, the descendant of the brother of Fair Rosamond, and their arms are found on a tomb, and also on a window in the old church at Frampton-on-Severn, eight miles from Gloucester, where the Cliffords are buried. The spot where fair Rosamond was born, still, I believe, belongs to the Clifford family.

I got such material as I could for studying the history of the military operations which preceded the siege and capture of Worcester and the escape of Charles II. Several of the old houses where he was concealed are shown, as also one in Worcester from which he made his escape out of the window when Worcester was stormed, just as Cromwell's soldiers were entering at the door.

Shakespeare used to pass through Gloucester on his way to London. Some of his celebrated scenes are in Gloucestershire. The tradition is that Shakespeare's company acted in the yard of the New Inn, at Gloucester, an ancient hostelry still standing, a few rods only from the Raven Tavern, which belonged to my ancestors, and is mentioned in one of their wills still extant. I have no doubt my kindred of that time saw Shakespeare, and saw him act, unless they had already learned the Puritanism which came to them, if not before, in a later generation.

I purchased, some years ago, some twenty ancient Gloucestershire deeds, of various dates, but all between 1100 and 1400. One of them was witnessed by John le Hore. It was of lands at Wotton-under-Edge in Gloucestershire. I have in my possession a will of Thomas Hore of Bristol, dated 1466, in which he mentions his wife Joanna, and his daughters Joanna and Margery, and his sons Thomas and John. These names—Thomas, John, Joanna and Margery—are the names of members of the family who dwelt in the city of Gloucester in later generations. So I have little doubt that Thomas was of the same race, although there is a link in the pedigree, between his death and 1560 or 1570 which I cannot supply. This Thomas bequeaths land at Wotton-under-Edge, so I conjecture that John also was of the same race. A large old black oak chest bound with iron, bequeathed by Thomas to Bristol in 1466, is still in the possession of the city.

I was very much gratified that the people of the old City of Gloucester were glad to recognize the tie of kindred which I, myself, feel so strongly. I received a handsome box, containing a beautifully bound copy of an account of the City from the Traders' Association of the City of Gloucester. This account of the matter appears in the *Echo*, a local paper of July 4, 1899.

GLOUCESTER CITY. GLOUCESTER TRADERS' ASSOCIATION. INTERESTING PRESENTATION

On Monday evening a largely attended public meeting was held in the Guildhall under the auspices of the Gloucester Traders' Association for the purpose of hearing addresses on "The municipal electricity supply." Mr. D. Jones (president) occupied the chair, and there were also present on the platform the Mayor (Mr. H. R. J. Braine), City High Sheriff (Mr. A. V. Hatton), Councillors Holbrooke, Poole and several members of the association.

The Chairman said that in his position as president of the association it was his pleasurable duty to present a copy of their guide to Mr. G. F. Hoar, the distinguished member of the United States Government, who had always taken a great interest in their historic City.—The presentation consisted of a handsomely carved box made by Messrs. Matthews and Co. from pieces of historic English oak supplied by Mr. H. Y. J. Taylor. On the outside of the cover are engraved the City arms, and a brass plate explaining the presentation. A beautifully printed copy of the well-known guide, bound in red morocco, has been placed within, and on the inside of the cover there is the following illuminated address:

"To the Hon. G. F. Hoar, of Worcester, Mass., Senator of the United States of America. Sir,—The members of the Traders' Association, Gloucester, England, ask your acceptance of a bound copy of their guide to this ancient and historic City, together with this box made from part of a rafter taken from the room in which Bishop Hooper was lodged the night before his burning, and from oak formerly in old All Saints' Church, as souvenirs of the regard which the association entertains for you and its recognition of your ardent affection for the City of Gloucester, the honored place of the nativity of the progenitor of your family, Charles Hoar, who was elder Sheriff in 1634; and may these sincere expressions also be typical of the sterling friendship existing between Great Britain and America."

"Senator Hoar had been unable to attend the meeting, and the presentation was entrusted to the American Vice-Consul, Mr. E. H. Palin, to forward to him. Remarking on the presentation, the Mayor expressed his regret that Mr. Hoar had been unable to accept the high and important position of American Ambassador which had been offered to him. Addresses on the installation of the electric light were then given by Mr. Hammond, M.I.C.E., and Mr. Spencer Hawes."

I was invited by the Corporation of the City to visit them in the fall and receive the freedom of the

City, which was to be bestowed at the same time on Sir Michael Hicks-Beach. But I had arranged to return to the United States before the time fixed for the ceremonial. So I was deprived of that great pleasure and honor.

I had a great longing to hear the nightingale. I find in an old memorandum that I heard the nightingale in Warwickshire in 1860, somewhere about the twentieth of May. But the occurrence, and the song of the bird, have wholly faded from my memory. When I was abroad in 1892 and '96 I hoped to hear the song. But I was too late. Mrs. Warre, wife of the Rector of Bemerton, George Herbert's Parsonage, told me that the nightingales were abundant in her own garden close to the Avon, but that they did not sing after the beginning of the nesting session which, according to a note to White's "History of Selborne," lasts from the beginning of May to the early part of June. Waller says:

Thus the wise nightingale that leaves her home,
Pursuing constantly the cheerful spring,
To foreign groves does her old music bring.

There are some counties in England where the bird is not found. It is abundant in Warwickshire, Gloucester and the Isle of Wight. It is not found in Scotland, Derbyshire or Yorkshire or Devon or Cornwall. Attempts to introduce it in those places have failed. The reason is said to be that its insect food does not exist there.

I utterly failed to hear the nightingale, although I was very close upon his track. On the night of the fifth of June at Freshwater, close to Tennyson's home, we were taken by a driver, between eleven and twelve at night, to two copses in one of which he said he had heard the nightingale the night before; and at the other they had been heard by somebody, from whom he got the information, within a very few days. But the silence was unbroken, notwithstanding our patience and the standing reward I had offered to anybody who would find one that I could hear. Two different nights shortly afterward, I was driven out several miles past groves where the bird was said to be heard frequently. Nothing came of it. May 29, at Gloucester, I rode with my friend, H. Y. J. Taylor, Esq., an accomplished antiquary, out into the country. We passed a hillside where he said he had heard the nightingale about eleven o'clock in the daytime the week before. Shakespeare says:

The nightingale, if she should sing by day,
When every goose is cackling, would be
No better a musician than the wren.

But the nightingale does sometimes sing by day. Mr. Taylor says that on the morning he spoke of the whole field seemed to be full of singing birds. There were larks and finches and linnets and thrushes, and I think other birds whose name I do not remember. But when the nightingale set up his song every other bird stopped. They seemed as much spellbound by the singing as he was, and Philomel had the field to himself till the song was over. It was as if Jenny Lind had come into a country church when the rustic choir of boys and girls were performing.

The nightingale will sometimes sing out of season if his mate be killed, or if the nest with the eggs therein be destroyed.

He is not a shy bird. He comes out into the highway and will fly in and out of the hedges, sometimes following a traveller. And the note of one bird will, in the singing season, provoke the others, so that a dozen or twenty will sometimes be heard rivalling one another at night, making it impossible for the occupants of the farmhouses to sleep.

The superstition is well known that if a new-married man hear the cuckoo before he hear the nightingale in the spring, his married peace will be invaded by some stranger within the year. But if the nightingale be heard first he will be happy in his love. It is said that the young married swains in the country take great pains to hear the nightingale first. We all remember Milton's sonnet:

O nightingale, that on yon bloomy Spray
Warbl'est at eve, when all the woods are still,
Thou with fresh hope the Lover's heart dost fill,
While the jolly hours lead on propitious May,
They liquid notes that close the eye of Day,
First heard before the shallow Cuckoo's bill
Portend success in love; O, if Jove's will
Have linkt that amorous power to thy soft lay,
Now timely sing, ere the rude bird of hate
Foretell my hopeless doom in some Grove nigh;
As thou from year to year hast sung too late

For my relief; yet hadst no reason why,
Whether the Muse, or Love, call thee his mate,
Both them I serve, and of their train am I.

I had a funny bit of evidence that this superstition is not entirely forgotten. A very beautiful young lady called upon us in London just as we were departing for the Isle of Wight. I told her of my great longing to hear the nightingale, and that I hoped to get a chance. She said that she had just come from one of her husband's country estates; that she had not seen a nightingale or heard one this year, although they were very abundant there. She said she had seen a cuckoo, which came about the same time. I suppose she observed a look of amusement on my countenance, for she added quick as lightning, "But he didn't speak."

I made this year a delightful visit to Cambridge University. I was the guest of Dr. Butler, the Master of Trinity, and his accomplished wife, who had, before her marriage, beaten the young men of Cambridge in all of the examinations. Dr. Butler spoke very kindly of William Everett, with whom he had been contemporary at Cambridge. He told me that Edward Everett, when he received his degree at Oxford, was treated with great incivility by the throng of undergraduates, not because he was an American, but because he was a Unitarian. I told this story afterwards to Mr. Charles Francis Adams. He confirmed it, and said that his father had refused the degree because he did not wish to expose himself to a like incivility.

I dined in the old hall of Trinity, and met many very eminent scholars. I saw across the room Mr. Myers, the author of the delightful essays, but did not have an opportunity to speak to him. I was introduced, among other gentlemen, to Aldus Wright, Vice or Deputy Master, eminent for his varied scholarship, and to Mr. Frazer, who had just published his admirable edition of Pausanias.

A great many years ago I heard a story from Richard H. Dana, illustrating the cautious and conservative fashions of Englishmen. He told me that when the Judges went to Cambridge for the Assizes they always lodged in the House of the Master of Trinity, which was a royal foundation, the claim being, that as they represented the King, they lodged there as of right. On the other hand the College claims that they are there as the guests of the College, and indebted to its hospitality solely for their lodging. When the Judges approach Cambridge, the Master of Trinity goes out to meet them, and expresses the hope that they will make their home at the College during their stay; to which the Judges reply that "They are coming." The Head of the College conducts them to the door. When it is reached, each party bows and invites the other to go in. They go in, and the Judges stay until the Assize is over. This ceremony has gone on for four hundred years, and it never yet has been settled whether the Judges have a right in the Master's house, or only are there as guests and by courtesy. I suppose that in the United States both sides would fight that question until it was settled somehow. Each would say: "I am very willing to have the other there. But I want to know whether he has any right there." I asked about the truth of this story. Dr. Butler said it was true and seemed, if I understood him aright, to think the Judges' claim was a good one. Mr. Wright, the Deputy Master, to whom I also put the question, spoke of it with rather less respect.

CHAPTER XXIV A REPUBLICAN PLATFORM

I have had occasion several times to prepare the Republican platform for the State Convention. The last time I undertook the duty was in 1894. I was quite busy. I shrunk from the task and put it off until the time approached for the Convention, and it would not do to wait any longer. So I got up one morning and resolved that I would shut myself up in my library and not leave it until the platform was written. Accordingly I sat down after breakfast, with the door shut, and taking a pencil made a list of topics about which I thought there should be a declaration in the platform.

I wrote each at the top of a separate page on a scratch- block, intending to fill them out in the usual somewhat grandiloquent fashion which seems to belong to that kind of literature. I supposed I had a day's work before me.

It suddenly occurred to me: Why not take these headings just as they are, and make a platform of them, leaving the Convention and the public to amplify as they may think fit afterward. Accordingly I tore out the leaves from the scratch- block, and handed them to a secretary to be put into type. The whole proceeding did not take fifteen minutes.

The sense of infinite relief that the Convention had when, after listening a moment or two, they found I was getting over what they expected as a rather tedious job, with great rapidity, was delightful to behold. I do not believe there was ever a political platform received in this country with such approval, certainly by men who listened to it, as that:

PLATFORM

"The principles of the Republicans of Massachusetts are as well known as the Commonwealth itself; well known as the Republic; well known as Liberty; well known as Justice.

Chief among them are:

An equal share in Government for every citizen.

Best possible wages for every workman.

The American market for American labor.

Every dollar paid by the Government, both the gold and the silver dollars of the Constitution, and their paper representatives, honest and unchanging in value and equal to every other.

Better immigration laws.

Better naturalization laws.

No tramp, Anarchist, criminal or pauper to be let in, so that citizenship shall not be stained or polluted.

Sympathy with Liberty and Republican government at home and abroad.

Americanism everywhere.

The flag never lowered or dishonored.

No surrender in Samoa.

No barbarous Queen beheading men in Hawaii.

No lynching.

No punishment without trial.

Faith kept with the pensioner.

No deserving old soldier in the poorhouse.

The suppression of dram drinking and dram selling.

A school at the public charge open to all the children, and free from partisan or sectarian control.

No distinction of birth or religious creed in the rights of American citizenship.

Devotion paramount and supreme to the country and to the flag.

Clean politics.

Pure administration.

No lobby.

Reform of old abuses.

Leadership along loftier paths.

Minds ever open to the sunlight and the morning, ever open to new truth and new duty as the new years bring their lessons."

I ought to explain one phrase in this platform, which I have since much regretted. That is the phrase, "No barbarous Queen beheading men in Hawaii." It was currently reported in the press that the Queen of Hawaii, Liliuokalani, was a semi-barbarous person, and that when Mr. Blount, Mr. Cleveland's Commissioner, proposed to restore her government and said that amnesty should be extended to all persons who had taken part in the revolution, she had said with great indignation, "What, is no one to be beheaded?" and that upon that answer Mr. Blount and Mr. Cleveland had abandoned any further purpose of using the power of the United States to bring the monarchy back again. That, so far as I knew, had never been contradicted and had obtained general belief.

I ought not to have accepted the story without investigation. I learned afterward, from undoubted authority, that the Queen is an excellent Christian woman; that she has done her best to reconcile her subjects of her own race to the new order of things; that she thinks it is better for them to be under the power of the United States than under that of any other country, and that they could not have escaped being subjected to some other country if we had not taken them; and that she expended her scanty income in educating and caring for the children of the persons who were about her court who had lost their own resources by the revolution. I have taken occasion, more than once, to express, in the Senate, my respect for her, and my regret for this mistake.

CHAPTER XXV OFFICIAL SALARIES

When I was in the House the salaries of the Judges of the Supreme Court of the United States were raised to ten thousand dollars a year, and a provision for a retiring pension, to be continued for life to such of them as became seventy years old, and had served ten years on the Bench, was enacted.

But it is always very difficult indeed to get salaries raised, especially the salaries of Judges. That it was accomplished then was due largely to the sagacity and skill of Mr. Armstrong of Pennsylvania. He was a very sensible and excellent Representative. His service, like that of many of the best men from Pennsylvania, was too short for the public good. I had very little to do with it myself, except that I talked the matter over a good deal with Mr. Armstrong, who was a friend of mine, and heartily supported it.

After I entered the Senate, however, I undertook to get through a bill for raising the salaries of the Judges of the United States District Courts. The District Judges were expected to be learned lawyers of high reputation and character, and large experience. Very important matters indeed are within the jurisdiction of the District Courts. They would have to deal with prize cases, if a war were to break out. In that case the reputation of the tribunals of the United States throughout the world would depend largely on them. They have also had to do a large part of the work of the Circuit Courts, especially since the establishment of the Circuit Courts of Appeals, as much of the time of the Circuit Judges is required in attendance there.

I had great difficulty in getting the measure through. But at last I was successful in getting the salaries, which had ranged from \$1,500 to \$4,000 in different districts of the country, made uniform and raised to \$5,000 a year.

Later I made an attempt to have the salaries of the Judges of the Supreme Court of the United States increased. My desire was to have the salary of the Associate Judges fixed at \$15,000, being an increase of fifty per cent., that of the Chief Justice to be \$500 more. I met with great difficulty, but at last, in the winter of 1903, I succeeded in getting through a measure, which I had previously reported, which increased the salary of the Associate Judges to \$12,500, and that of the Chief Justice to \$13,000. The same measure increased the salaries of the District Judges from \$5,000 to \$6,000, and that of the Circuit Judges from \$6,000 to \$7,000 a year.

The salary of Senators and Representatives is shamefully small. This is a great injustice, not only to members of the two Houses, but it is a great public injury, because the country cannot command the service of able men in the prime of life, unless they have already acquired large fortunes. It cannot be expected that a lawyer making from \$25,000 to \$50,000 a year, or a man engaged in business, whose annual income perhaps far exceeds that amount, will leave it for \$5,000 a year. In that way he is compelled not only to live frugally himself, but what is more disagreeable still, to subject his household to the live in the humblest style in a costly and fashionable city, into which wealthy persons are coming from all parts of the country.

The members of Congress have a great many demands upon them, which they cannot resist. So a Senator or Representative with \$5,000 a year, living in Washington a part of the year and at home the other part, cannot maintain his family as well as an ordinary mechanic or salaried man who gets \$2,500 or \$3,000 a year, and spends all his time in one place.

The English aristocracy understand this pretty well. They give no salary at all to the members of their House of Commons. The result is that the poor people, the working people and people in ordinary life, cannot get persons to represent them, from their own class. That will soon be true in this country, if we do not make a change. I suppose nearly every member of either House of Congress will tell you in private that he thinks the salary ought to be raised. But the poor men will not vote for it, because they think the example will be unpopular, and the rich men do not care about it.

CHAPTER XXVI PROPRIETY IN DEBATE

The race of demagogues we have always with us. They have existed in every government from Cleon and the Sausage-maker. They command votes and seem to delight popular and legislative assemblies. But they rarely get very far in public favor. The men to whom the American people gives its respect, and whom it is willing to trust in the great places of power, are intelligent men of property, dignity and sobriety.

We often witness and perhaps are tempted to envy the applause which many public speakers get by buffoonery, by rough wit, by coarse personality, by appeal to the vulgar passions. We are apt to think that grave and serious reasonings are lost on the audiences that receive them, half asleep, as if listening to a tedious sermon, and who come to life again when the stump speaker takes the platform. But it will be a great mistake to think that the American people do not estimate such things at their true value. When they come to take serious action, they prefer to get their inspiration from the church or the college and not from the circus. Uncle Sam likes to be amused. But Uncle Sam is a gentleman. In the spring of 1869, when I first took my seat in Congress, General Butler was in the House. He was perhaps as widely known to the country as any man in it except President Grant. He used to get up some scene of quarrel or buffoonery nearly every morning session. His name was found every day in the head-lines of the newspapers. I said to General Banks one day after the adjournment: "Don't you think it is quite likely that he will be the next President of the United States?" "Never," said General Banks, in his somewhat grandiloquent fashion. "Why," said I, "don't you see that the papers all over the country all full of him every morning? People seem to be reading about nobody else. Wherever he goes, the crowds throng after him. Nobody else gets such applause, not even Grant himself."

"Mr. Hoar," replied General Banks, "when I came down to the House this morning, there was a fight between two monkeys on Pennsylvania Avenue. There was an enormous crowd, shouting and laughing and cheering. They would have paid very little attention to you or me. But when they come to elect a President of the United States, they won't take either monkey."

The men who possess the capacity for coarse wit and rough repartee, and who indulge it, seldom get very far in public favor. No President of the United States has had it. No Judge of the Supreme Court has had it, no Speaker of the House of Representatives, and, with scarcely an exception, no eminent Senator.

CHAPTER XXVII THE FISH-BALL LETTER

In August, 1890, the *Pittsburg Post*, a Democratic paper, made a savage attack on me. He attributed to me some very foolish remark and declared that I lived on terrapin and champagne; that I had been an inveterate office-seeker all my life; and that I had never done a stroke of useful work. Commonly it is wise to let such attacks go without notice. To notice them seriously generally does more harm than good to the party attacked. But I was a good deal annoyed by the attack, and thought I would make a good-natured and sportive reply to it, instead of taking it seriously. So I sent the editor the following letter, which was copied quite extensively throughout the country, North and South; and I believe put an end, for the rest of my life, to the particular charges he had made:

UNITED STATES SENATE,
WASHINGTON, D. C., Aug. 10, 1890.

TO THE EDITOR OF THE PITTSBURG POST;

My Dear Man: Somebody has sent me a copy of your paper containing an article of which you do me the honor to make me the subject. What can have put such an extravagant yarn into the head of so amiable and good-natured a fellow? I never said the thing which you attribute to me in any interview, caucus or anywhere else. I never inherited any wealth or had any. My father was a lawyer in very large practice for his day, but he was a very generous and liberal man and never put much value upon money. My share of his estate was about \$10,500. All the income-producing property I have in the world, or ever had, yields a little less than \$1,800 a year; \$800 of that is from a life estate and the other thousand comes from stock in a corporation which has only paid dividends for the last two or three years, and which I am very much afraid will pay no dividend, or much smaller ones, after two or three years to come. With that exception the house where I live, with its contents, with about four acres of land, constitute my whole worldly possessions, except two or three vacant lots, which would not bring me \$5,000 all told. I could not sell them now for enough to pay my debts. I have been in my day an extravagant collector of books, and have a library which you would like to see and which I would like to show you. Now, as to office-holding and working. I think there are few men on this continent who have put so much hard work into life as I have. I went one winter to the Massachusetts House of Representatives, when I was twenty-five years old, and one winter to the Massachusetts Senate, when I was thirty years old. The pay was two dollars a day at that time. I was nominated on both occasions,

much to my surprise, and on both occasion declined a renomination. I afterward twice refused a nomination for Mayor of my city, have twice refused a seat on the Supreme Bench of Massachusetts, and refused for years to go to Congress when the opportunity was in my power. I was at last broken down with overwork, and went to Europe for my health. During my absence the arrangements were made for my nomination to Congress, from which, when I got home, I could not well escape. The result is I have been here twenty years as Representative and Senator, the whole time getting a little poorer year by year. If you think I have not made a good one, you have my full authority for saying anywhere that I entirely agree with you. During all this time I have never been able to hire a house in Washington. My wife and I have experienced the varying fortune of Washington boarding houses, sometimes very comfortable, and a good deal of the time living in a fashion to which no mechanic earning two dollars a day would subject his household. Your "terrapiin" is all in my eye, very little in my mouth. The chief carnal luxury of my life is in breakfasting every Sunday morning with an orthodox friend, a lady who has a rare gift for making fish-balls and coffee. You unfortunate and benighted Pennsylvanians can never know the exquisite flavor of the codfish, salted, made into balls and eaten on a Sunday morning by a person whose theology is sound, and who believes in all the five points of Calvinism. I am myself but an unworthy heretic, but I am of Puritan stock, of the seventh generation, and there is vouchsafed to me, also, some share of that ecstasy and a dim glimpse of that beatific vision. Be assured, my benighted Pennsylvania friend, that in that hour when the week begins, all the terrapiin of Philadelphia or Baltimore and all the soft-shelled crabs of the Atlantic shore might pull at my trousers legs and thrust themselves on my notice in vain.

I am faithfully,
GEO. F. HOAR

CHAPTER XXVIII THE BIRD PETITION

Before the year 1897 I had become very much alarmed at the prospect of the total extinction of our song-birds. The Bobolink seemed to be disappearing from the field in Massachusetts, the beautiful Summer Red Bird had become extinct, and the Oriole and the Scarlet Tanager had almost disappeared. Many varieties of songbirds which were familiar to my own boyhood were unknown to my children. The same thing seems to be going on in other countries. The famous Italian novelist, Ouida, contributed an article in the *North American Review* a few years ago in which she described the extermination of the Nightingale in Italy. The Director of the Central Park, in one of his Reports, stated that within fifteen or twenty years the song-birds of the State of New York had diminished forty- five per cent.

One afternoon in the spring of 1897, Governor Claflin called on me at my Committee Room in the Capitol and told me a lady had just visited his daughter at her rooms who had on her head eleven egrets. These egrets are said to come from the female White Heron, a beautiful bird abounding in Florida. They are a sort of bridal ornament, growing out on the head of the female at pairing time and perishing and dropping off after the brood is reared. So the ornament on the horrible woman's head had cost the lives of eleven of these beautiful birds and very likely in every case the lives of a brood of young ones.

When I went home I sat down after dinner and wrote with a pencil the following petition.

_ "To the Great and General Court of the Commonwealth of Massachusetts:

"We, the song-birds of Massachusetts and their playfellows, make this our humble petition: _

"We know more about you than you think we do. We know how good you are. We have hopped about the roofs and looked in at the windows of the homes you have built for poor and sick and hungry people and little lame and deaf and blind children. We have built our nests in the tress and sung many a song as we flew about the gardens and parks you have made so beautiful for your own children, especially your poor children, to play in.

"Every year we fly a great way over the country, keeping all the time where the sun is bright and warm; and we know that whenever you do anything, other people all over the great land between the seas and the great lakes find it out, and pretty soon will try to do the same thing. We know; we know. We are Americans just as you are. Some of us, like some of you, came from across the great sea, but most of the birds like us have lived here a long while; and birds like us welcomed your fathers when they came here many years ago. Our fathers and mothers have always done their best to please your fathers and mothers.

"Now we have a sad story to tell you. Thoughtless or bad people are trying to destroy us. They kill us because our feathers are beautiful. Even pretty and sweet girls, who we should think would be our best friends, kill our brothers and children so that they may wear plumage on their hats. Sometimes people

kill us from mere wantonness. Cruel boys destroy our nests and steal our eggs and our young ones. People with guns and snares lie in wait to kill us, as if the place for a bird were not in the sky, alive, but in a shop window or under a glass case. If this goes on much longer, all your song-birds will be gone. Already, we are told, in some other countries that used to be full of birds, they are almost gone. Even the nightingales are being all killed in Italy.

"Now we humbly pray that you will stop all this, and will save us from this sad fate. You have already made a law that no one shall kill a harmless song-bird or destroy our nests or our eggs. Will you please to make another that no one shall wear our feathers, so that no one will kill us to get them? We want them all ourselves. Your pretty girls are pretty enough without them. We are told that it is as easy for you to do it as for Blackbird to whistle.

"If you will, we know how to pay you a hundred times over. We will teach your children to keep themselves clean and neat. We will show them how to live together in peace and love and to agree as we do in our nests. We will build pretty houses which you will like to see. We will play about your gardens and flower-beds,—ourselves like flowers on wings,—without any cost to you. We will destroy the wicked insects and worms that spoil your cherries and currants and plums and apples and roses. We will give you our best songs and make the spring more beautiful and the summer sweeter to you. Every June morning when you go out to the field, Oriole and Blackbird and Bobolink will fly after you and make the day more delightful to you; and when you go home tired at sundown, Vesper Sparrow will tell you how grateful we are. When you sit on your porch after dark, Fife Bird and Hermit Thrush and Wood Thrush will sing to you; and even Whip-poor-will will cheer up a little. We know where we are safe. In a little while all the birds will come to live in Massachusetts again, and everybody who loves music will like to make a summer home with you."

I thought it might, perhaps, strike the Legislature of Massachusetts and the public more impressively than a sober argument. The whole thing took only fifteen or twenty minutes. The petition was signed by all the song-birds of Massachusetts, and illustrated by Miss Ellen Day Hale with the portraits of the signers. It was presented to the Massachusetts Senate by the Honorable A. S. Roe, Senator from the Worcester District. The Legislature acted upon it and passed the following Statute:

"Whoever has in his possession the body of feathers of any bird whose taking or killing is prohibited by section four of chapter two hundred and seventy-six of the acts of the year eighteen hundred and eighty-six, or wears such feathers for the purpose of dress or ornament, shall be punished as provided in said section: *provided* that his act shall not be construed to prohibit persons having the certificate provided for in said sections from taking or killing such birds; and *provided, further*, that this act shall not apply to Natural History Associations, or to the proprietors of museums, or other collections for scientific purposes.

"Approved June 11, 1897."

The Statute was copied in several other States. I think the petition helped a good deal the healthy reaction which, owing largely to the efforts of humane societies and Natural History Associations and especially of some very accomplished ladies, has arrested the destruction of these beautiful ornaments of our woods and fields and gardens, "our fellow pilgrims on the journey of life," who have so much of humanity in them and who, like us, have their appointed tasks set to them by the great Creator.

CHAPTER XXIX THE A. P. A. CONTROVERSY

One very unreasonable, yet very natural excitement has stirred deeply the American people on several occasions in our history. It came to us by lawful inheritance from our English and Puritan ancestors. That is the bitter and almost superstitious dread of the Catholics, which has resulted more than once in riots and crimes, and more than once in the attempt to exclude them from political power in the country. This has sometimes taken the form of a crusade against all foreigners. But religious prejudice against the Catholics has been its chief inspiration.

I just said that this feeling, though absolutely unjustifiable, was yet quite natural, and that it came to us by lawful inheritance. I have always resisted it and denounced it to the utmost of my power. My father was a Unitarian. I was bred in that most liberal of all liberal faiths. But I have believed that the way to encounter bigotry is by liberality. If any man try to deprive you of your absolute right, begin to defend yourself by giving him his own. Human nature, certainly American human nature, will never, in my opinion, long hold out against that method of dealing.

Our people, so far as they are of English descent, learned from their fathers the stories of Catholic persecution and of the fires of Smithfield. Fox's "Book of Martyrs," one of the few books in the Puritan libraries, was, even down to the time of my youth, reverently preserved and read in the New England

farmhouses.

So it was believed that it was only the want of power that prevented the Catholics from renewing the fires of Smithfield and the terrors of the Inquisition. It was believed that the infallibility and supremacy of the Pope bound the Catholic citizen to yield unquestioning obedience to the Catholic clergy in matters civil and political, as well as spiritual. There was a natural and very strong dread of the Confessional.

This feeling was intensified by the fact of which it was partly the cause, that when the Irish-Catholics first came over they voted in solid body, led often by their clergy, for the Democratic Party, which was in the minority in the New England States, especially in Massachusetts. England down to a very recent time disqualified the Catholics from civil office.

Our people forgot that the religious persecution, of which they cherished the bitter memory, was the result of the spirit of the age, and not of one form of religious faith. They forgot that the English Protestants not only retaliated on the Catholics when they got into power, but that the Bishops from whose fury, as John Milton said, our own Pilgrim Fathers fled, were Protestant Bishops and not Catholic. They forgot the eight hundred years during which Ireland had been under the heel of England, and the terrible history so well told by that most English of Englishmen, and Protestant of Protestants, Lord Macaulay.

"The Irish Roman Catholics were permitted to live, to be fruitful, to replenish the earth; but they were doomed to be what the Helots were in Sparta, what the Greeks were under the Ottoman, what the blacks now are at New York. Every man of the subject caste was strictly excluded from any public trust. Take what path he might in life, he was crossed at every step by some vexatious restriction. It was only by being obscure and inactive, that he could, on his native soil, be safe. If he aspired to be powerful and honoured, he might gain a cross or perhaps a Marshal's staff in the armies of France or Austria. If his vocation was to politics, he might distinguish himself in the diplomacy of Italy or Spain. But at home he was a mere Gibeonite, a hewer of wood and a drawer of water. The statute book of Ireland was filled with enactments which furnish to the Roman Catholics but too good a ground for recriminating on us when we talk of the barbarities of Bonner and Gardiner; and the harshness of those odious laws was aggravated by a more odious administration. For, bad as the legislators were, the magistrates were worse still. In those evil times originated that most unhappy hostility between landlord and tenant, which is one of the peculiar curses of Ireland. Oppression and turbulence reciprocally generated each other. The combination of rustic tyrants was resisted by gangs of rustic banditii. Courts of law and juries existed only for the benefit of the dominant sect. Those priests who were revered by millions as their natural advisers and guardians, as the only authorised dispensers of the Christian sacraments, were treated by the squires and squireens of the ruling faction as no good-natured man would treat the vilest beggar."

When I came into political life shortly after 1848, I found this anti-Catholic feeling most intense. The Catholics in Massachusetts were, in general, in a very humble class. The immigration, which had well begun before the great Irish Famine, was increased very much by that terrible calamity. The Irishmen were glad to build our railroads at sixty cents a day, dwelling in wretched shanties, and living on very coarse fare. They had brought with them the habit of drinking whiskey, comparatively harmless in their native climate—though bad enough there— but destructive in New England. So they contributed very largely to the statistics of crime and disorder.

Even then they gave an example—from which all mankind might take a lesson—of many admirable qualities. They had a most pathetic and touching affection for the Old Country. They exhibited an incomparable generosity toward the kindred they had left behind. From their scanty earnings, Edward Everett, a high authority, estimates that there were sent twenty millions of dollars in four years to their parents and kindred.

There was some jealousy on the part of our working people, especially the men and women employed in large manufacturing establishments, lest the Irish, by working at cheaper wages, would drive them out of employment. But the Irishman soon learned to demand all the wages he could get. The accession of the Irish laborer increased largely the productive forces of the State. So there was more wealth created, of which the better educated and shrewder Yankee got the larger share. By the bringing in of a lower class of labor he was elevated to a higher place, but never driven out of work. The prejudice of which I have spoken showed itself in some terrible Protestant riots in New Orleans and in Baltimore, and in the burning of the Catholic Convent at Charlestown.

There was also a strong feeling that the compact body of Catholics, always voting for one political party was a danger to the public security. Of course this feeling manifested itself in the Whig Party, for whose adversary the solid Irish-Catholic vote was cast. As early as 1844, after the defeat of Mr. Clay, Mr. Webster made a suggestion—I do know where it is recorded now, but I was informed of it on good

authority at about the time he made it—that there must be some public combination with a view to resist the influence of our foreign element in our politics.

But there was no political movement on any considerable scale until 1854. In that year there was a very dangerous crusade which came very near National success, and which got control of several States.

In the fall of 1857 the Republican Party elected its first Governor. The slavery question was still very prominent, and the people were deeply stirred by the attempt to repeal the Missouri Compromise. So in that year, under the leadership of Nathaniel P. Banks, Gardner, the Know-Nothing Governor, was defeated, and from that time the strength of Know-Nothingism was at an end. I was elected to the Senate in the fall of 1856 as the Republican candidate from the county of Worcester over the Know-Nothing and Democratic candidates.

It is a remarkable fact that of the men known to join the Know-Nothing Party, no man, unless he were exceedingly young and obscure when he did it, ever maintained or regained the public confidence afterward, with the exception of Henry Wilson, Anson Burlingame and Nathaniel P. Banks. These men all left it after the first year. Wilson and Burlingame denounced it with all the vigor at their command, and Banks led the forces of the Republican Party to its overthrow.

I ought to say, however, of this movement and of the A. P. A. movement, as it is called, of which I am now to speak, that I do not think the leaders in general shared the bitter and proscriptive feeling to which they appealed. The secret organization, founded on religious prejudice, or on race prejudice, is a good instrument to advance the political fortunes of men who could not gain advancement in an established political organization. So a great many men are active and busy in such organizations, who would be equally active and busy in movements founded on precisely the opposite doctrines, if they could as well find their advancement in them. Yet, as I have said, the prejudice which lay at the bottom of this movement was very powerful, very sincere, and not unnatural.

Secret societies were formed all over the country. It seemed not unlikely that the surprise of 1854 would be repeated, and that the great Republican party, which had done so much for civil liberty, would either be broken to pieces or would be brought to take an attitude totally inconsistent with religious liberty.

The organization, calling itself the American Protective Association, but known popularly as the A. P. A., had its branches all over the North. Its members met in secret, selected their candidates in secret—generally excluding all men who were not known to sympathize with them—and then attended the Republican caucuses to support candidates in whose selection members of that political party who were not in their secret councils had no share. Ambitious candidates for office did not like to encounter such a powerful enmity. They in many cases temporized or coquetted with the A. P. A. if they did not profess to approve its doctrine. So far as I know, no prominent Republican in any part of the country put himself publicly on record as attacking this vicious brotherhood. Many men who did not agree with it were, doubtless, so strong in the public esteem that they were not attacked.

That was the condition of things when, in the early summer of 1895, I delivered an address at the opening of the Summer School of Clark University in which I spoke briefly, but in very strong terms, in condemnation of the secrecy and of the proscriptive principles of this political organization. I declared: "I have no patience or tolerance with the spirit which would excite religious strife. It is as much out of place as the witchcraft delusion or the fires of Smithfield." I added: "This Nation is a composite. It is made up of many streams, of the twisting and winding of many bands. The quality, hope and destiny of our land is expressed in the phrase of our Fathers, 'E Pluribus Unum'—of many, one—of many States, one Nation—of many races, one people—of many creeds, one faith—of many bended knees, one family of God." A little later I went with the Massachusetts Club, of which I was a member, to an outing at Newport. There, briefly but still more emphatically, I called upon the people not to revive the bitter memories of ancient, social and religious strife.

These two speeches excited the indignation of the leaders of this organization. A gentleman named Evans, I believe born in England, took up the cudgels. He was supported by many worthy clergymen and a good many newspapers which had been established to support the doctrine of the A. P. A. organization. Mr. Evans, if I am right in my memory, claimed that he was not a member of the organization. But he stood up for it stanchly in two letters to me, in which he very severely denounced what I had said, and pointed out the wicked behavior of some Catholic priests to whom he referred. He said he had looked up to me as he formerly did to Charles Sumner and William H. Seward; that my course would tend as absolutely to the breaking up of the Republican Party as Daniel Webster's speech did to the breaking up of the old Whig Party, and that I had rung my own death knell; that the one mistake Wesley made when he called slavery "the sum of all villainies" was that he did not except the Roman Catholic Church. He added that there were at least three million members of these patriotic

orders, constituting at least three fifths of the Republican Party, and that their membership was being added to daily. Mr. Evans also said, what was absolutely without foundation, that I had said, "We need a Father Confessor."

That gave me my opportunity. I answered with the following letter in which I stated my own doctrine as vigorously and clearly as I knew how.

WORCESTER, Aug. 5, 1895.

T. C. EVANS, ESQ.:

My Dear Sir—One of the great evils, though by no means the greatest evil of secret political societies, is that foolish and extravagant statements about men who don't agree with them get circulated without opportunity for contradiction or explanation. You seem to be a well-meaning and intelligent man; yet I am amazed that any well-meaning and intelligent man should believe such stuff as you repeat in your letter of August 3. I never said, thought or dreamed what you impute to me. I don't believe there ever was any report in the Worcester *Telegram* to that effect. Certainly there is none in the report of what I said in the summer school at Clark University the morning after, and there is no such statement in any of the other Worcester newspapers. I never anywhere expressed the idea that there should be a confessional or that there was any need of a Father Confessor, or that I wanted to see something in our Protestant churches like the Father Confessor in the Catholic. The whole thing is a miserable lie and invention made out of whole cloth. The language, which you quote, about an attempt to recall on one side, "the cruelties of the Catholic Church and frighten our women and children with horrid hobgoblins," is not my language. That does appear in the *Telegram*. But it is the reporter's statement of what he understood my idea to be in his own language. What I said was: "We are confronted with a public danger which comes from an attempt to rouse the old feelings of the dark ages, and which ought to have ended with them, between men who have different forms of faith. It is an attempt to recall on one side the cruelties of the Catholic Church and to frighten old women of both sexes, and, on the other side, to band the men of the Catholic Church together for political action. Both these attempts will fail."

There is no more zealous believer in the principles of the New England Puritans, and no more zealous advocate of them, than I am. There is not a man in Massachusetts who has more at heart the welfare and perpetuity of our system of free common schools than I have. I was the first person, so far as I know, who called public attention to the fact that they were in danger, in any formal way. I drew and had put in the platform of the Republican State Convention the following resolution: "The Republican Party ever has maintained and ever will maintain and defend, the common schools of Massachusetts as the very citadel of happiness. They shall be kept open to all the children and free from all partisan and sectarian control."

This doctrine I stand by. And I stand by the further doctrine, as I stated at length in my address at Clark University, that the whole resources of the Commonwealth are pledged to their support, and that that is the bottom mortgage on every dollar of our property, and that no person can escape or be allowed to escape that responsibility. The difference between you and me is a difference of method. I want to get the 700,000 Catholics in Massachusetts on our side. I want them to send their children to the public schools, to pay their share of the cost, and when their young men and women are suitable, are intelligent, liberal persons, attached to the school system, I want some of them to be employed as teachers. I don't wish to exclude them from my political support when they are Republicans and agree with me in other matters, because of their religious faith. Nor do I wish to exclude them from being public school teachers, if they will keep their particular religious tenets out of their instruction, because of their religious faith, any more than I would have excluded Phil Sheridan from his office in the army, or would have refused to support him for any public office, if he had been nominated for it. Further, I want to state and advocate my opinions in the face of day, and you may be sure that I shall do this without flinching before anybody's threats or anybody's displeasure or indignation. You, on the other hand, I understand, want to go into a cellar to declare your principles. You want to join an association whose members are ashamed to confess they belong to it; many of whom, without apparently forfeiting the respect of their fellows, lie about their membership in it when they are asked about it. You want to mass together the whole Catholic population of Massachusetts to the support of their extreme and wrong-headed priests, if any such can be found.

The difference between us is a difference of methods in accomplishing the same result. I think your method would overthrow the common school system, would overthrow the Republican Party, and would end by massing together all the Catholic voters, as proscription always does mass men together, to increase and strengthen that political power which you profess so much to dread.

When O'Neill, the young Catholic soldier of Worcester, lay dying, he said: "Write to my dear mother and tell her I die for my country. I wish I had two lives to give. Let the Union flag be wrapped around me and a fold of it laid under my head." I feel proud that God gave me such a man to be my countryman

and townsman. I have very little respect for the Americanism that is not moved and stirred by such a story. If O'Neill had left a daughter who had her father's spirit, I would be willing to trust my child or grandchild to her instruction in secular education in the public school, even if the father had kissed with his last breath the cross on which the Saviour died, or even if the parting soul had received comfort from the lips of Thomas Conaty or John Power or John Ireland or Archbishop Williams.

When John Boyle O'Reilly, the Catholic poet, sang the praises of the Pilgrims at Plymouth, in that noblest of odes, when he quoted in his preface from William Bradford and John Robinson and Robert Cushman, I was glad to hear what he said, especially when he quoted from the lips of the clergyman Robinson: "I charge you before God that you follow me no further than you have seen me follow the Lord Jesus Christ. If God reveal anything to you by any other instrument of His, be as ready to receive it as ever you were to receive any truth by my ministry, for I am verily persuaded, I am very confident, the Lord hath more truths yet to break forth out of His Holy Word." I liked what he said. If I understand your former letter correctly, you didn't. That is where we differ. When John Boyle O'Reilly said, declaring the very spirit of New England Puritanism, and speaking of religious faith, "the one sacred revolution is change of mind," when he spoke these noble lines:

So held they firm, the Fathers aye to be,
From Home to Holland, Holland to the sea—
Pilgrims for manhood, in their little ship,
Hope in each heart, and prayer on every lip.
Apart from all—unique, unworldly, true,
Selected grain to sow the earth anew;
A winnowed part—a saving remnant they;
Dreamers who work; adventurers who pray!
We know them by the exile that was theirs;
Their justice, faith and fortitude attest.

When he further said:

On the wintry main
God flings their lives as farmers scatter grain,
His breath propels the winged seed afloat;
His tempests swerve to spare the fragile boat;
Here on this rock and on this sterile soil,
Began the kingdom, not of kings, but men;
Began the making of the world again,
Their primal code of liberty, their rules
Of civil right; their churches, courts and schools;
Their freedom's very secret here laid down—
The spring of government is the little town!
On their strong lines, we base our social health—
The man—the home—the town—the Commonwealth;
Their saintly Robinson was left behind
To teach by gentle memory; to shame
The bigot spirit and the word of flame;
To write dear mercy in the Pilgrim's law;
To lead to that wide faith his soul foresaw—

I liked what he said. If I understand your former letter, you didn't. You don't want a man who differs from you saying or thinking such things. I want the whole 700,000 Catholics of Massachusetts to believe what John Boyle O'Reilly believed, and to love and reverence the Puritan founders of Massachusetts as he did, and I think my way is the way to make them do it. You don't, if I understand you. You think the way to make good citizens and good men of them and to attract them to Protestantism, is to exclude them, their sons and daughters, from all public employment and to go yourself into a dark cellar and curse at them through the gratings of the windows.

I stated my religious faith and my ideas of the relation of our religious denominations to each other, in an address I delivered at Saratoga last year, of which I send you a copy, and which I hope, as you have kindly volunteered to send me so much of your opinion, you may perhaps be willing to read. It doesn't become me to say anything about it myself. I am deeply sensible of its imperfections. It fails to do justice to what is in my own heart. But perhaps I may be permitted to say that within a few weeks after it was delivered, an eminent Catholic clergyman sent me a message expressing his delight in it. The most famous Episcopalian Bishop in the country said to a friend of mine that he had read it with great pleasure and that it sounded to him like the old times. A Baptist minister, bearing one of the most distinguished names in the country, wrote me a letter, in which he said, as he read it, "At every

sentence, I said to myself, Amen, Amen." An eminent Orthodox minister, Doctor of Divinity, read it aloud to his parish, in full, instead of his Sunday's sermon. And a very excellent and able Methodist minister wrote to me and said, "If that is Unitarianism, I am afraid I am a Unitarian." I think the time has come to throw down the walls between Christians and not to build new ones. I think the time has come to inculcate harmony and good will between all American citizens, especially between all citizens of the old Commonwealth of Massachusetts.

You quote some expressions which you attribute to Catholic clergymen. If you don't get any nearer right in quoting them than you do in quoting me, I don't believe that they ever said any such thing. If they have, they never will persuade any considerable number of Catholic laity in this country, in this nineteenth century, to follow them. You may perhaps induce the Catholic young men and women of Massachusetts to believe there is something in what those clergymen say. They never will succeed in doing it themselves.

I don't think you will succeed in getting any considerable number of the people of this country, who are able to read and write, or to count ten on their fingers, to believe that, as I am entering my seventieth year, I am actuated by any personal ambition, in the counsel which I give my fellow citizens. I don't think you will get them to believe that, if I were so actuated, I should begin by saying anything which would estrange a considerable number of the Protestant Republican citizens of Massachusetts. I don't think you will convince them that I am indifferent to the good will of so large a portion of the American people as are said to be enlisted in the ranks of the secret society to which you refer. If you know as little of your Catholic fellow citizens as you know of me, you have a good deal as yet to learn of the subject of which you are speaking.

On the other hand, you may be quite sure I should be unwilling to do injustice to any of my fellow citizens. They will hardly need be assured that I would not lightly or unnecessarily incur their disapprobation. But you may perhaps think it pardonable that I should not be thoroughly informed as to the principles, motives or conduct of a secret society. As you have undertaken the duty of giving me information, will you kindly answer for me the following questions:

1st. Is the organization to which you refer a secret organization? Are its discussions in the face of day? Do the persons whose political errors they especially oppose have an opportunity to know their purposes and to be convinced by their arguments? If the organization be in any respect secret, why is it deemed necessary to maintain such secrecy in the United States of America and at the close of the nineteenth century?

2d. Is it the custom of many persons who belong to it to deny, when inquired of, that they are members of such an association? And if this be true, does such a falsehood cost them the respect and friendship of their associates or diminish their influence in the order?

3d. Do members of the association, after joining it, retain their membership in other political parties? Do they agree together upon candidates for office or delegates to conventions to nominate officers and then go into their party caucuses to support such delegates agreed upon in secret, without consultation with their political brethren? If that be true, does it seem to you that that course is honest?

4th. Do you understand that any considerable number of Catholic laymen, in this country, accept the interpretation which you put upon the fifteen articles which you quote as principles of the Roman Catholic Church? Is it not true that the interpretation is absolutely rejected by the Catholic laity in general, and that they affirm for themselves as absolute independence of the Pope or of the clergy in all secular matters as you or I claim for ourselves in regard to Protestant clergymen?

5th. Are not Italy and France, two Catholic countries, to-day as absolutely free from any temporal power or influence of the Pope or the Catholic clergy as is Massachusetts?

6th. I have had sent me a little leaflet, purporting to be the principles of the American Protective Association, which you doubtless have seen. When you say, in your third article, that the American Protective Association is "opposed to the holding of offices in the National, State or municipal Government, by any subject or supporter of such ecclesiastical power," and in your fifth article, that you "protest against the employment of the subjects of any un-American ecclesiastical power as officers or teachers of our public schools," do you mean, or no, that no Catholic shall hold such National or State or municipal office, and that no Catholic shall be a teacher in a public school? You don't answer this question by quoting the language of church officials in by-gone days or the intemperate language of some priests in recent times. It is a practical question. Do you or don't you mean to exclude from such office and from such employment as teachers the bulk of the Catholic population of Massachusetts?

7th. Is it your opinion that General Philip H. Sheridan, were he living, would be unfit to hold civil or

military office in this country? Or that his daughter, if she entertained the religious belief of her father, should be disqualified from being a teacher in a public school?

I have no pride of opinion. I shall be very glad to revise any opinion of mine and, as you state it, I shall be very glad to "know better in the future," if you will kindly enlighten me.

You and I, as I have said, have the same object at heart. We desire, above all things, the maintenance of the principles of civil and religious liberty; and above all other instrumentalities to that end, the maintenance of our common school system, at the public charge, open to all the children and free from partisan or sectarian control. If you and I differ, it is only as to what is the best means of accomplishing these ends. If you think that they are best accomplished by secret societies, by hiding from the face of day, by men who will not acknowledge what they are doing, and by refusing public employment to men and women who think on these subjects exactly as we do, but whose religious faith differs from ours, then I don't agree with you. I think your method will result in driving and compacting together, in solid mass, persons who will soon number nearly or quite fifty per cent. of the voting population of Massachusetts. Nothing strengthens men, nothing makes them so hard to hear reason, nothing so drives them to extremity in opinion or in action as persecution or proscription.

On the other hand, my method is the method of absolute freedom and of pure reason. The Catholic boy, who has grown up in our common schools, who had formed his youthful friendships with his Protestant classmates, whose daughter or sister, as he grows older, is employed as a teacher, will very soon be attached to our common school system as we are ourselves. He will be required, as he gets property, to pay his share of his support. He cannot ask to be exempt from a tax to which all Protestants cheerfully submit, whether their own children be in the schools or not, and he will not easily be made to give his consent to paying twice. The American Spirit, the Spirit of the age, the Spirit of Liberty, the Spirit of Equality, especially what Roger Williams called "Soul Liberty" is able to maintain herself in a fair field and in a free contest against all comers. Do not compel her to fight in a cellar. Do not compel her to breathe the damp, malarial atmosphere of dark places. Especially let no member of the Republican Party, the last child of freedom, lend his aid to such an effort. The atmosphere of the Republic is the air of the mountain top and the sunlight and the open field. Her emblem is the eagle and not the bat.

I am faithfully yours,
GEORGE F. HOAR.

After the publication of the foregoing letter, I received one from Theodore Roosevelt, who was holding a high office in New York City, then at the beginning of his illustrious political career. He expressed his hearty sympathy and approval, and offered to lay aside everything else and come to my aid, if I so desired. I need not say I took special pleasure in this letter, which disclosed so unmistakably the honest and brave heart of the man, who was then in his difficult office fighting wild beasts at Ephesus. But I did not need to accept his offer.

I was angrily denounced. But the leading Republican papers soon came to my support. The Republican political leaders generally, though quietly, approved what I had said and done. The generous and just heart of the American people was stirred, and the result was that the movement, inspired by bigotry and intolerance, lost its force, languished for a year or two, and was little heard of afterward.

I dare say that the same causes which excited it may provoke a similar movement more than once hereafter. But I believe it will fail as that failed.

I know how prone men are, especially old men, in telling the story of their lives, to over-estimate the value and the consequence of the things in which they have taken a part. But I think I am not extravagant in claiming that the overthrow of this dangerous delusion was of great value not only to the Republican Party, but to the cause of religious liberty in this country, and that the success of the A. P. A. would have been the destruction of both.

CHAPTER XXX THE ENGLISH MISSION

I may as well put on record here a matter which I suppose has never been made public. When in President Hayes's time Mr. Welsh resigned the English Mission, Mr. Lowell, then in Spain, was strongly recommended for the place. Mr. Evarts, Secretary of State, was quite unwilling to have Mr. Lowell appointed. I fancied that Mr. Evarts might have been influenced somewhat by his reluctance to appoint a Harvard man. He was an exceedingly pleasant-natured man, with no bitterness in him. But he entered with a good deal of zeal into the not unhealthy rivalry between the two famous Universities, Harvard and Yale. Of course I did not like that notion. President Hayes had an exceedingly friendly feeling for

Harvard. He had studied at the Harvard Law School, and later had the degree of Doctor of Laws there. Mr. Lowell hesitated about accepting the duty. I said to the President: "In the matter of the English Mission, if Mr. Lowell declines, I have a suggestion to make which Mr. Evarts, I am afraid, won't like very well. But I wish to ask you to consider it, Evarts or no Evarts." My relations with both of them made this familiar and half-boyish style of dealing with so important a matter not unbecoming. "I think President Eliot would be an excellent person for such a service. It is understood that he is somewhat out of health. I think if he should go to England for a year or two, and take a vacation from his duties at the College, it would reflect great credit on your Administration and on the country, and he would return to his duties at Harvard with renewed health and added reputation and capacity for usefulness." Mr. Hayes did not quite commit himself. But he expressed his very emphatic approval of the idea, and said he guessed it might be brought to pass. But I had, at his request, sent a cable to Mr. Lowell who was then in Spain, urging him to take the place. He was then hesitating, but finally, as is well known, consented.

I was on the friendliest terms with President Hayes. As I have already said he was good enough to offer me the office of Attorney-General, when the appointment of Devens to the Circuit Court was under consideration.

I had already, before that time, received from Mr. Evarts, Secretary of State, the offer of the English Mission, as I have said in another place, when Mr. Welsh resigned.

I may as well state here, although it belongs to a later time, that the offer was made to me again, by President McKinley. I give the correspondence with President McKinley when he made me that offer:

EXECUTIVE MANSION, WASHINGTON, D. C.
September 13, 1898.
HON. GEORGE F. HOAR (Confidential),
WORCESTER, MASSACHUSETTS.

It would give me much satisfaction to appoint you Ambassador to London. Will it be agreeable to you?

WILLIAM MCKINLEY.

September 14, 1898.
TO THE PRESIDENT, WASHINGTON, D. C.

I am highly honored by your confidence, for which I am grateful. But I believe I can better serve my country, and better support your Administration by continuing to discharge the legislative duties to which I have been accustomed for thirty years, than by undertaking new responsibilities at my age, now past seventy-two. If it were otherwise, I cannot afford to maintain the scale of living which the social customs of London make almost indispensable to an Ambassador, and I have no right to impose upon my wife, in her present state of health, the burden which would fall upon her. Be assured of my warm personal regard and of my desire to stand by you in the difficult and trying period which is before you.

GEO. F. HOAR

CHAPTER XXXI PRESIDENT ROOSEVELT AND THE SYRIAN CHILDREN

A very touching incident, characteristic of the kind heart of President Roosevelt, ought to be put on record in connection with his visit to Worcester.

During the Christmas holidays of 1901 a very well known Syrian, a man of high standing and character, came into my son's office and told him this story:

A neighbor and countryman of his had a few years before emigrated to the United States and established himself in Worcester. Soon afterward, he formally declared his intention of becoming an American citizen. After a while, he amassed a little money and sent to his wife, whom he had left in Syria, the necessary funds to convey her and their little girl and boy to Worcester. She sold her furniture and whatever other belongings she had, and went across Europe to France, where they sailed from one of the northern ports on a German steamer for New York.

Upon their arrival at New York, it appeared that the children had contracted a disease of the eyelids, which the doctors of the Immigration Bureau declared to be trachoma, which is contagious, and in adults incurable. It was ordered that the mother might land, but that the children must be sent back in the ship upon which they arrived, on the following Thursday. This would have resulted in sending them back as paupers, as the steamship company, compelled to take them as passengers free of charge,

would have given them only such food as was left by the sailors, and would have dumped them out in France to starve, or get back as beggars to Syria.

The suggestion that the mother might land was only a cruel mockery. Joseph J. George, a worthy citizen of Worcester, brought the facts of the case to the attention of my son, who in turn brought them to my attention. My son had meantime advised that a bond be offered to the Immigration authorities to save them harmless from any trouble on account of the children.

I certified these facts to the authorities and received a statement in reply that the law was peremptory, and that it required that the children be sent home; that trouble had come from making like exceptions theretofore; that the Government hospitals were full of similar cases, and the authorities must enforce the law strictly in the future. Thereupon I addressed a telegram to the Immigration Bureau at Washington, but received an answer that nothing could be done for the children.

Then I telegraphed the facts to Senator Lodge, who went in person to the Treasury Department, but could get no more favorable reply. Senator Lodge's telegram announcing their refusal was received in Worcester Tuesday evening, and repeated to me in Boston just as I was about to deliver an address before the Catholic College there. It was too late to do anything that night. Early Wednesday morning, the day before the children were to sail, when they were already on the ship, I sent the following dispatch to President Roosevelt:

TO THE PRESIDENT, WHITE HOUSE, WASHINGTON, D. C.

I appeal to your clear understanding and kind and brave heart to interpose your authority to prevent an outrage which will dishonor the country and create a foul blot on the American flag. A neighbor of mine in Worcester, Mass., a Syrian by birth, made some time ago his public declaration for citizenship. He is an honest, hard-working and in every way respectable man. His wife with two small children have reached New York.

He sent out the money to pay their passage. The children contracted a disorder of the eyes on the ship. The Treasury authorities say that the mother may land but the children cannot, and they are to be sent back Thursday. Ample bond has been offered and will be furnished to save the Government and everybody from injury or loss. I do not think such a thing ought to happen under your Administration, unless you personally decide that the case is without remedy. I am told the authorities say they have been too easy heretofore, and must draw the line now. That shows they admit the power to make exceptions in proper cases. Surely, an exception should be made in the case of little children of a man lawfully here, and who has duly and in good faith declared his intention to become a citizen. The immigration law was never intended to repeal any part of the naturalization laws which provide that the minor children get all the rights of the father as to citizenship. My son knows the friends of this man personally and that they are highly respectable and well off. If our laws require this cruelty, it is time for a revolution, and you are just the man to head it.

GEORGE F. HOAR.

Half an hour from the receipt of that dispatch at the White House Wednesday forenoon, Theodore Roosevelt, President of the United States, sent a peremptory order to New York to let the children come in. They have entirely recovered from the disorder of the eyes, which turned out not to be contagious, but only caused by the glare of the water, or the hardships of the voyage. The children are fair-haired, with blue eyes, and of great personal beauty, and would be exhibited with pride by any American mother.

When the President came to Worcester he expressed a desire to see the children. They came to meet him at my house, dressed up in their best and glorious to behold. The President was very much interested in them, and said when what he had done was repeated in his presence, that he was just beginning to get angry.

The result of this incident was that I had a good many similar applications for relief in behalf of immigrants coming in with contagious diseases. Some of them were meritorious, and others untrustworthy. In the December session of 1902 I procured the following amendment to be inserted in the immigration law.

"Whenever an alien shall have taken up his permanent residence in this country and shall have filed his preliminary declaration to become a citizen and thereafter shall send for his wife or minor children to join him, if said wife or either of said children shall be found to be affected with any contagious disorder, and it seems that said disorder was contracted on board the ship in which they came, such wife or children shall be held under such regulations as the Secretary of the Treasury shall prescribe

until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be deported until such facts have been ascertained."

CHAPTER XXXII NATIONAL BANKRUPTCY

I have, since I have been in the Senate, taken great interest in the passage of a bill for a system of National Bankruptcy. The Constitution gives Congress power to establish a uniform system of Bankruptcy. The people of Massachusetts, a commercial and manufacturing State from the beginning, have always desired a Bankrupt law. They were large dealers with other States and with other countries. Insolvent debtors in Massachusetts could not get discharge from their debts contracted in such dealings. The Massachusetts creditors having debts against insolvents in other States found that their debtors under the laws of those States either got preferences or made fraudulent assignments which they could not detect or prevent.

On the other hand, the bankruptcy laws have always been unpopular in many parts of the country. The Democrat who strictly construed the Constitution did not like to see this power of Congress vigorously exercised. The National Courts, who must administer such laws, were always the object of jealousy and suspicion in the South and West. The people did not like to be summoned to attend the settlement of an estate in bankruptcy, hundreds and hundreds of miles, to the place where the United States Court was sitting, in States like Texas or Missouri. The sympathy of many communities is apt to be with the debtor, and not with the creditors, who were represented as harpies or vultures preying on the flesh of their unfortunate victims. A good example of this prejudice will be found in an extract from the speech of Senator Ingalls, of Kansas. He said in defending what was known as the equity scheme:

"The opposition arose first, from the great wholesale merchants in the chief distributing centres of the country. They have their agents and attorneys in the vicinity of every debtor, obtaining early information of approaching disaster, and ready to avail themselves of the local machinery of State courts by attachment or by preferences, through which they can secure full payment of their claims, to the exclusion of less powerful or less vigilant but equally meritorious creditors. Naturally they want no Bankrupt law of any description.

"Second. From the disabled veterans of the old army registers; from the professional assignees and wreckers of estates, who, by exorbitant fees and collusive sales of assets to convenient favorites, plundered debtor and creditor alike and made the system an engine of larceny and confiscation.

"Third. From those who desire, instead of a system for the discharge of honest but unfortunate debtors upon the surrender of their estates, a criminal code and a thumb-screw machine for the collection of doubtful and desperate debts. They covet a return to the primitive practices which prevailed in Rome, when the debtor was sold into slavery or had his body cut into pieces and distributed pro rata among his creditors.

"Fourth. From those timid and cautious conservatives who believe that nothing is valuable that is not venerable.

"Like the statesman described by Macaulay, they prefer to perish by precedent rather than be saved by innovation. They adhere to ancient failures rather than incur the risk of success through venture and experiment.

"Fifth. From Boards of Trade, Chambers of Commerce and other ornamental organizations who, being entirely uninformed on the subject, permit themselves to become the conduits through which the misrepresentation and animosity of avaricious creditors and rapacious attorneys are discharged upon Congress and the country."

I had moved in the Senate, in 1882, a bill favored by the merchants and manufacturers of Massachusetts, which was largely the work of Judge John Lowell, of the United States Circuit Court, one of the most accomplished lawyers of his day, as an amendment to a bill which Mr. Edmunds, Mr. Davis and Mr. Ingalls had reported as a Subcommittee to the Senate Judiciary Committee, and which had been reported from that Committee to the Senate.

The Lowell Bill was on my motion substituted for the report of the Judiciary Committee, by a majority of three. This bill was extensively discussed in June and December. But I was unable to secure its passage. It passed the Senate, but it did not get through the House.

I have had the Parliamentary charge of all Bankruptcy measures in the Senate from that time. After the failure of the Lowell Bill, the Boards of Trade and Chambers of Commerce, and other like associations throughout the country, took up the matter very zealously by employing an able lawyer,

the Hon. Jay L. Torrey of Missouri, to present the matter in the two Houses of Congress. He was thoroughly acquainted with the principles and history of Bankruptcy laws in this country and England. But he had no compromise in him. He insisted on the Bill which he drew, which was a modification of the Lowell Bill, without being willing to make any concession to objection or difference of opinion in Congress, or out of it. He said he would have a perfect law, or none at all. The measure as he drew it was apparently very austere and harsh to the debtor. It enumerated a large number of offences for which the debtor was to be punished by fine and imprisonment, and by a denial of his discharge. Mr. Torrey's provisions were not very unreasonable. But they made it seem as if the Bill were a penal code for the punishment of fraudulent debtors. A simple provision that any debtor who wilfully should make false answer to any question lawfully put to him by the Court, or who wilfully concealed or attempted to conceal any property from his assignee should lose his discharge and be punished with a proper and moderate punishment, would have answered the whole purpose. I take some blame to myself for not insisting more strenuously upon modifying Mr. Torrey's measure. But he constantly visited different Senators and Representatives and came back to me with glowing accounts of the prospects of the Bill, and of their promises to support the Bill. He was also the agent of the business organizations of the country who had passed resolutions in favor of the measure as he had drawn it. It seemed to me therefore that if I should get the Bill amended and then it got lost, I should incur the great reproach of having obstinately set up my judgment against that of this large number of the ablest men in the country, who were so deeply interested in the matter. So the Bill, though brought up and pressed Congress after Congress, failed until Mr. Torrey enlisted in the Spanish War.

I then introduced a Bill in a softened and modified form. It was attacked in that form by Senator Nelson of Minnesota, a very excellent lawyer and gentleman of great influence, in the Senate. He succeeded in having the Bill modified and softened still more. The Bill then passed and went to the House which, under the leadership of the Judiciary Committee, substituted the original Bill.

Mr. Nelson and I, with Mr. Lindsay of Kentucky, were put on the Conference Committee in the Senate, with Mr. Henderson, afterward Speaker, Mr. Ray of New York, now Judge of the U. S. District Court, and Mr. Terry of Missouri, on the part of the House. We struggled nearly the whole winter. Mr. Nelson and Mr. Ray took the burden of the contest upon their shoulders. Their attempts at compromise reminded their brethren of the old scientific problem—"What will happen when an irresistible force encounters an immovable obstacle." But both gentlemen, each exceedingly firm in his own opinion when he thought he was in the right, were wise and reasonable and conscientious men. So at last they agreed upon the present Bankruptcy Bill, which became a law July 1, 1898. It was on the whole satisfactory to the country, except for one clause in it, which was interpreted by the United States Supreme Court in a manner contrary to the understanding and expectation of the framers of the Bill.

A law was passed February 7, 1903, correcting this and some minor defects. It is hoped, though we cannot be sure in such a matter, that a permanent system of Bankruptcy, so essential to all commercial, indeed to all civilized nations, is now established, and will be maintained in the United States.

CHAPTER XXXIII THE PHILIPPINE ISLANDS

It has been my singular ill fortune that I have been compelled to differ from the Republican Party, and from a good many of my political associates, upon many important matters.

It has been my singular good fortune that, so far, they have all come to my way of thinking, as have the majority of the American people, in regard to every one, with perhaps one exception. That is the dealing of the American people with the people of the Philippine Islands, by the Treaty with Spain. The war that followed it crushed the Republic that the Philippine people had set up for themselves, deprived them of their independence, and established there, by American power, a Government in which the people have no part, against their will. No man, I think, will seriously question that that action was contrary to the Declaration of Independence, the fundamental principles declared in many State constitutions, the principles avowed by the founders of the Republic and by our statesmen of all parties down to a time long after the death of Lincoln.

If the question were, whether I am myself right, or whether my friends and companions in the Republican Party be right, I should submit to their better judgment. But I feel quite confident, though of that no man can be certain, that if the judgment of the American people, even in this generation, could be taken on that question alone, I should find myself in the majority. If it be not so, the issue is between the opinion of the American people for more than a century, and the opinion that the American people has expressed for one or two Presidential terms.

Surely I do not need to argue the question; at any rate, I will not here undertake to argue the question, that our dealing with the Philippine people is a violation of the principles to which our people adhered from 1776 to 1893. If the maintenance of slavery were inconsistent with them, it was admitted

that in that particular we were violating them, or were unable from circumstances to carry them into effect. Mr. Jefferson thought so himself.

But the accomplishment by this Republic of its purpose to subjugate the Philippine people to its will, under the claim that it, and not they, had the right to judge of their fitness for self-government, is a rejection of the old American doctrine as applicable to any race we may judge to be our inferior.

This doctrine will be applied hereafter, unless it be abandoned, to the Negro at home. Senator Tillman of South Carolina well said, and no gentleman in the Senate contradicted him: "Republican leaders do not longer dare to call into question the justice or the necessity of limiting Negro suffrage in the South." The same gentleman said at another time: "I want to call your attention to the remarkable change that has come over the spirit of the dream of the Republicans. Your slogans of the past—brotherhood of man and fatherhood of God—have gone glimmering down through the ages. The brotherhood of man exists no longer." These statements of Mr. Tillman have never been challenged, and never can be.

I do not mean here to renew the almost interminable debate. I will only make a very brief statement of my position:

The discussion began with the acquisition of Hawaii. Ever since I came to the Senate I had carefully studied the matter of the acquisition of Hawaii. I had become thoroughly satisfied that it would be a great advantage to the people of the United States, as well as for the people of Hawaii.

Hawaii is 2,100 miles from our Pacific coast. Yet if a line be drawn from the point of our territory nearest Asia to the Southern boundary of California, that line being the chord of which our Pacific coast is the bow, Hawaii will fall this side of it. Held by a great Nation with whom we were at war, it would be a most formidable and valuable base of supplies. We had sustained a peculiar relation to it. American missionaries had redeemed the people from barbarism and Paganism. Many of them, and their descendants, had remained in the Islands. The native Hawaiians were a perishing race. They had gone down from 300,000 to 30,000 within one hundred years.

The Japanese wanted it. The Portuguese wanted it. Other nations wanted it. But the Hawaiians seemed neither to know nor care whether they wanted it or no. They were a perishing people. Their only hope and desire and expectation was that in the Providence of God they might lead a quiet, undisturbed life, fishing, bathing, supplied with tropical fruits, and be let alone.

We had always insisted that our relation to them was peculiar; that they could not be permitted to fall under the dominion of another power, even by their own consent. That had been declared by our Department of State under Administrations of all parties, including Mr. Webster, Mr. Seward, and Mr. Bayard. They were utterly helpless. As their Queen has lately declared: "The best thing for them that could have happened was to belong to the United States."

By the Constitution of Hawaii, the Government had been authorized to make a treaty of annexation with this country. It was said that that Constitution was the result of usurpation which would not have come to pass but for American aid, and the presence of one of our men-of-war. But that Government had been maintained for six or seven years. Four of them were while Mr. Cleveland was President, who it was well known would be in full sympathy with an attempt to restore the old Government. So if the people had been against it, the Government under that Constitution could not have lasted an hour.

President Harrison had negotiated a treaty of annexation, against which no considerable remonstrance or opposition was uttered. My approval of it was then, I suppose, well known. Certainly no friend of mine, and nobody in Massachusetts, so far as I know, in the least objected or remonstrated against it. The treaty was withdrawn from the consideration of the Senate by President Cleveland.

Another was negotiated soon after President McKinley came in. Meantime, however, the controversy with Spain had assumed formidable proportions, and the craze for an extension of our Empire had begun its course. Many Republican leaders were advocating the acquisition of the Hawaiian Islands, not for the reasons I have just stated, but on the avowed ground that it was necessary we should own them as a point of vantage for acquiring dominion in the East. It was said that China was about to be divided among the great Western powers, and that we must have our share. I saw when the time approached for action of the McKinley Treaty that the question could not be separated, at least in debate, from the question of entering upon a career of conquest of Empire in the Far East.

Under these circumstances the question of duty came to me: Will you adhere to the purpose long formed, and vote for the acquisition of Hawaii solely on its own merit? Or, will you vote against it, for fear that the bad and mischievous reasons that are given for it is so many quarters, will have a pernicious tendency only to be counteracted by the defeat of the treaty itself?

I hesitated long. President McKinley sent for me to come to the White House, as was his not infrequent habit. He said he wanted to consult me upon the question whether it would be wise for him to have a personal interview with Senator Morrill of Vermont. He had been told that Mr. Morrill was opposed to the Treaty. The President said: "I do not quite like to try to influence the action of an old gentleman like Mr. Morrill, so excellent, and of such great experience. It seems to me that it might be thought presumptuous, if I were to do so. But it is very important to us to have his vote, if we can." The President added something implying that he understood that I was in favor of the Treaty.

I said, "I ought to say, Mr. President, in all candor, that I feel very doubtful whether I can support it myself." President McKinley said: "Well, I don't know what I shall do. We cannot let those Islands go to Japan. Japan has her eye on them. Her people are crowding in there. I am satisfied they do not go there voluntarily, as ordinary immigrants, but that Japan is pressing them in there, in order to get possession before anybody can interfere. If something be not done, there will be before long another Revolution, and Japan will get control. Some little time ago the Hawaiian Government observed that when the immigrants from a large steamer went ashore they marched with a military step, indicating that they were a body of trained soldiers. Thereupon Hawaii prohibited the further coming in of Japanese. Japan claimed that was in violation of their treaty, and sent a ship of war to Hawaii. I was obliged to notify Japan that no compulsory measures upon Hawaii, in behalf of the Japan Government, would be tolerated by this country. So she desisted. But the matters are still in a very dangerous position, and Japan is doubtless awaiting her opportunity."

I told President McKinley that I favored then, as I always had, the acquisition of Hawaii. But I did not like the spirit with which it was being advocated both in the Senate and out of it. I instanced several very distinguished gentlemen indeed, one a man of very high authority in the Senate in matters relating to foreign affairs, who were urging publicly and privately the Hawaiian Treaty on the ground that we must have Hawaii in order to help us get our share of China. President McKinley disclaimed any such purpose. He expressed his earnest and emphatic dissent from the opinions imputed to several leading Republicans, whom he named.

I never, at any time during the discussion of the Philippine question, expressed a more emphatic disapproval of the acquisition of dependencies or Oriental Empire by military strength, than he expressed on that occasion. I am justified in putting this on record, not only because I am confirmed by several gentlemen in public life, who had interviews with him, but because he made in substance the same declaration in public.

He declared, speaking of this very matter of acquiring sovereignty over Spanish territory by conquest:

"Forcible annexation, according to our American code of morals, would be criminal aggression."

He said at another time:

"Human rights and constitutional privileges must not be forgotten in the race for wealth and commercial supremacy. The Government of the people must be by the people and not by a few of the people. It must rest upon the free consent of the governed and all of the governed. Power, it must be remembered, which is secured by oppression or usurpation or by any form of injustice is soon dethroned. We have no right in law or morals to usurp that which belongs to another, whether it is property or power."

I suppose he was then speaking of our duty as to any people whom we might liberate from Spain, as the results of the Spanish War. He unquestionably meant that we had no right, in law or morals, to usurp the right of self-government which belonged to the Cubans, or to the Philippine people.

Yet I have no doubt whatever that in the attitude that he took later he was actuated by a serious and lofty purpose to do right. I think he was led on from one step to another by what he deemed the necessity of the present occasion. I dare say that he was influenced, as any other man who was not more than human would have been influenced, by the apparently earnest desire of the American people, as he understood it, as it was conveyed to him on his Western journey. But I believe every step he took he thought necessary at the time. I further believe, although I may not be able to convince other men, and no man will know until the secret history of that time shall be made known, that if he had lived, before his Administration was over, he would have placed the Republic again on the principles from which it seems to me we departed—the great doctrine of Jefferson, the great doctrine of the Declaration of Independence, that there can be no just Government by one people over another without its consent, and that the International law declared by the Republic is that all Governments must depend for their just powers upon the consent of the governed. This was insisted on by our Fathers as the doctrine of International law, to be acted upon by the infant Republic for itself. In this I am confirmed by the testimony of Mr. Secretary Long, who was in President McKinley's most intimate

counsels.

The Treaty negotiated by President McKinley with Hawaii was not acted upon. It was concluded to substitute a joint resolution, for which there was a precedent in the case of the acquisition of Texas. I voted for the joint resolution, as did Senator Hale of Maine, and several Democratic Senators, who were earnestly opposed to what is known as the policy of Imperialism.

I left the President, after the conversation above related, without giving him any assurance as to my action. But I determined on full reflection, to support the acquisition of Hawaii, in accordance with my long-settled purpose, and at the same time to make a clear and emphatic statement of my unalterable opposition to acquiring dependencies in the East, if we did not expect, when the proper time came, to admit them to the Union as States. This I did to the best of my power. I was invited to give an address before a college in Pennsylvania, where I took occasion to make an emphatic declaration of the doctrine on which I meant to act.

Afterward, July 5, 1898, I made a speech in the Senate, on the joint resolution for the acquisition of Hawaii, in which I said that I had entertained grave doubts in regard to that measure; that I had approached the subject with greater hesitation and anxiety than I had ever felt in regard to any other matter during the whole of my public life.

I went on to say:

"The trouble I have found with the Hawaiian business is this: Not in the character of the population of the Sandwich Island, not in their distance from our shores, not in the doubt that we have an honest right to deal with the existing government there in such a matter. I have found my trouble in the nature and character of the argument by which, in the beginning and ever since, a great many friends of annexation have sought to support it

"If this be the first step in the acquisition of dominion over barbarous archipelagoes in distant seas; if we are to enter into competition with the great powers of Europe in the plundering of China, in the division of Africa; if we are to quit our own to stand on foreign lands; if our commerce is hereafter to be forced upon unwilling peoples at the cannon's mouth; if we are ourselves to be governed in part by peoples to whom the Declaration of Independence is a stranger; or, worse still, if we are to govern subjects and vassal States, trampling as we do it on our own great Charter which recognizes alike the liberty and the dignity of individual manhood, then let us resist this thing in the beginning, and let us resist it to the death.

"I do not agree with those gentlemen who think we would wrest the Philippine Islands from Spain and take charge of them ourselves. I do not think we should acquire Cuba, as the result of the existing war, to be annexed to the United States."

I reinforced this protest as well I could. But I went on to state the reasons which had actuated me in favoring the measure, and that my unconquerable repugnance to the acquisition of territory to be held in dependency did not apply to that case.

I cited the Teller resolution, and declared that it bound the American people in honor, and that its principle applied to all Spanish territory. I maintained that there was nothing in the acquisition of Hawaii inconsistent with this doctrine. I think so still.

I was bitterly reproached by some worthy persons, who I suppose will always find matter for bitter reproach in everything said or done on public matters. They charged me with speaking one way and voting another. But I am content to leave the case on its merits, and on the record.

The war went on. The feeling of the country was deeply excited. President McKinley made his famous Western journey. He was greeted by enthusiastic throngs. The feeling in that part of the country in favor of a permanent dominion over the Philippine Islands was uttered by excited crowds, whom he addressed from the platform and the railroad cars as he passed thorough the country. But the sober, conservative feeling, which seldom finds utterance in such assemblies, did not make itself heard.

The President returned to Washington, undoubtedly in the honest belief that the country demanded that he acquire the Philippine Islands, and that Congress should govern them.

I have never attributed publicly, or in my own heart, to President McKinley any but the most conscientious desire to do his duty in what, as the case seems to me, was an entire change of purpose. Many military and naval officers, from whose reports he had to get his facts almost wholly, insisted that the Philippine people were unfit for self-government. After the unhappy conflict of arms the solution of the problem seemed to be to compel the Philippine people to unconditional submission. It would not be just or fair that I should undertake to state the reasons which controlled the President in adopting the

conclusions to which I did not myself agree. I am merely telling my own part in the transaction.

When I got back to Washington, at the beginning of the session in December, 1898, I had occasion to see the President almost immediately. His purpose was to make a Treaty by which, without the assent of their inhabitants, we should acquire the Philippine Islands. We were to hold and govern in subjection the people of the Philippine Islands. That was pretty well understood.

The national power of Spain was destroyed. It was clear that she must submit to whatever terms we should impose. The President had chosen, as Commissioners to negotiate the Treaty, five gentlemen, three of whom, Senators Cushman K. Davis, and William P. Frye and Whitelaw Reid, the accomplished editor of the New York *Tribune*, former Minister to France, were well known to be zealous for acquiring territory in the East. Mr. Frye was said to have declared in a speech not long before he went abroad that he was in favor of keeping everything we could lay our hands on. I suppose that was, however, intended as a bit of jocose extravagance, which that most excellent gentleman did not mean to have taken too seriously.

Mr. Day, the Secretary of State, and Senator Gray of Delaware, were understood to be utterly opposed to the policy of expansion or Imperialism.

I do not know about Mr. Day. But it appeared, when three years afterward the correspondence between the Commissioners and the Department of State became public, that Mr. Day expressed no objection to the acquisition of Luzon, but objected to a peremptory demand for the whole Philippine Island group, thereby—to use his language—"leaving us open to the imputation of following agreement to negotiate with demand for whole subject matter of discussion ourselves."

The public impression as to Senator Gray is confirmed by the following remonstrance, which appears in the same correspondence:

PEACE COMMISSIONERS TO MR. HAY
[Telegram]

PARIS, October 25, 1898.

The undersigned cannot agree that it is wise to take Philippine Islands in whole or in part. To do so would be to reverse accepted continental policy of the country, declared and acted upon throughout our history. Propinquity governs the case of Cuba and Porto Rico. Policy proposed introduces us into European politics and the entangling alliances against which Washington and all American statesmen have protested. It will make necessary a navy equal to largest of powers; a greatly increased military establishment; immense sums for fortifications and harbors; multiply occasions for dangerous complications with foreign nations, and increase burdens of taxation. Will receive in compensation no outlet for American labor in labor market already overcrowded and cheap; no area for homes for American citizens; climate and social conditions demoralizing to character of American youth; new and disturbing questions introduced into our politics; church question menacing. On whole, instead of indemnity—injury.

The undersigned cannot agree that any obligation incurred to insurgents is paramount to our own manifest interests. Attacked Manila as part of legitimate war against Spain. If we had captured Cadiz and Carlists had helped us, would not owe duty to stay by them at the conclusion of war. On the contrary, interests and duty would require us to abandon both Manila and Cadiz. No place for colonial administration or government of subject people in American system. So much from standpoint of interest; but even conceding all benefits claimed for annexation, we thereby abandon the infinitely greater benefit to accrue from acting the part of a great, powerful, and Christian nation; we exchange the moral grandeur and strength to be gained by keeping our word to nations of the world and by exhibiting a magnanimity and moderation in the hour of victory that becomes the advanced civilization we claim, for doubtful material advantages and shameful stepping down from high moral position boastfully assumed. We should set example in these respects, not follow in the selfish and vulgar greed for territory which Europe has inherited from mediaeval times. Our declaration of war upon Spain was accompanied by a solemn and deliberate definition of our purpose. Now that we have achieved all and more than our object, let us simply keep our word. Third article of the protocol leaves everything concerning the control of the Philippine Islands to negotiation between the parties.

It is absurd now to say that we will not negotiate but will appropriate the whole subject-matter of negotiation. At the very least let us adhere to the President' instructions and if conditions require the keeping of Luzon forego the material advantages claimed in annexing other islands. Above all let us not make a mockery of the injunction contained in those instructions, where, after stating that we took up arms only in obedience to the dictates of humanity and in the fulfillment of high public and moral obligations, and that we had no design of aggrandizement and no ambition of conquest, the President

among other things eloquently says:

"It is my earnest wish that the United States in making peace should follow the same high rule of conduct which guided it in facing war. It should be as scrupulous and magnanimous in the concluding settlement as it was just and humane in its original action."

This and more, of which I earnestly ask a reperusal, binds my conscience and governs my action.

GEORGE GRAY.

WEDNESDAY, 12.30, night.

Senator Gray afterward signed the Treaty, defended it in debate, and voted for its ratification. He vigorously defended his vote on the floor of the Senate, chiefly by the argument that when he learned that it was the purpose of the United States to expel Spain from the Philippine Islands, he concluded it was our duty to remain there for the protection of the people against foreign rapacity and against domestic anarchy. He claimed that he had been influenced in coming to this conclusion very considerably by the fact that I was reported to have said that under no circumstances would we give back the Philippine people to Spain. That was true. I believed then, and believe now, that it was our duty to deliver them from Spain, to protect them against her, or against the cupidity of any other nation until her people could have tried fully the experiment of self-government, in which I have little doubt they would have succeeded.

When I saw President McKinley early in December, 1898, he was, I suppose, committed to the policy to which he adhered. He greeted me with the delightful and affectionate cordiality which I always found in him. He took me by the hand, and said: "How are you feeling this winter, Mr. Senator?" I was determined there should be no misunderstanding. I replied at once: "Pretty pugnacious, I confess, Mr. President." The tears came into his eyes, and he said, grasping my hand again: "I shall always love you, whatever you do."

I found we differed widely on this great subject. I denounced with all the vigor of which I was capable the Treaty, and the conduct of the war in the Philippine Islands, in the Senate, on the platform, in many public letters, and in articles in magazines and newspapers. But President McKinley never abated one jot of his cordiality toward me. I did not, of course, undertake to press upon him my advice in matters affecting the Philippine Islands, about which we differed so much. But he continued to seek it, and to take it in all other matters as constantly as ever before.

In order that it may not be supposed that I deceived myself in regard to President McKinley's kindly regard, I may perhaps be pardoned for saying that his close friend, Senator Hanna, has more than once assured me that McKinley's love for me was never abated, and for citing a sentence from an article by Charles Emory Smith, his trusted counsellor and able and accomplished Postmaster-General, in this Cabinet. Mr. Smith says:

"Senator Hoar was the earnest foe and critic of President McKinley's policy. But President McKinley had the warmest regard and consideration for him. Nothing, indeed, in public life was sweeter than the sentiment of these different and differing men toward each other. President McKinley was anxious to commission Senator Hoar as Minister to England, and proffered him the place. It was without any desire to remove him from the arena of contention—apprehension of such a reflection restrained the proffer for a time—though the contention had not then been fully developed."

After President McKinley's death I expressed the public sorrow and my own in an address to a vast audience of the people of my own city of Worcester, in Mechanics' Hall; and again, at the request of the Republican State Committee, at the Republican State Convention shortly afterward.

I have reason to know that both the addresses gave pleasure to many of the lamented President's closest and warmest friends throughout the country. I was afterward invited by the City Government of Worcester to deliver a historical eulogy on President McKinley before them. That office, it seemed to me, I ought to decline. It was not because I was behind any other man in admiration or personal affection for that lofty and beautiful character. But I thought that address, which was not only to utter the voice of public sorrow, but to give a careful and discriminating sketch of the public life of its subject, ought to be delivered by some person who agreed with him in regard to the most important action of his life. I could not well pass over the Philippine question. I could not well speak of it without stating my own opinion. I could not undertake to state President McKinley's opinion, conduct or policy, without expressing my disapproval of it, and if I did not do that, I could not state it without being thought by those who heartily approved it, not to have stated it justly and fairly.

I had repeatedly declared, during the preceding two years, both before and since his death, my highest admiration for the intellectual and moral qualities of my beloved friend, and my belief that he

would have a very high place in history among the best and ablest men of the country.

But I thought the story of the important part of his life should be told from his point of view, and not from mine; that the reasons which governed him should be stated by a person sure to appreciate them fully. If a great Catholic Prelate were to die, his eulogy should not be pronounced by a Protestant. When Dr. Channing died, we did not select a Calvinist minister to pronounce his funeral sermon. When Charles Sumner died Mr. Schurz and Mr. Curtis, not some old Whig, and not some earnest supporter of General Grant, pronounced the eulogy. I suppose nobody would have dreamed of asking a Free Trader to pronounce the eulogy on President McKinley if he had died soon after the beginning of his first term. So I declined the office. The City did not ask anybody else to fill my place, or perform the task.

I will not now renew the debate about our treatment of the people of the Philippine Islands. My opinion has not at all changed. I think that under the lead of Mabini and Aguinaldo and their associates, but for our interference, a Republic would have been established in Luzon, which would have compared well with the best of the Republican Governments between the United States and Cape Horn. For years and for generations, and perhaps for centuries, there would have been turbulence, disorder and revolution. But in her own way Destiny would have evolved for them a force of civic rule best adapted to their need. If we had treated them as we did Cuba, we should have been saved the public shame of violating not only our own pledges, but the rule of conduct which we had declared to be self-evident truth in the beginning of our history. We should have been saved the humiliation of witnessing the subjection by Great Britain of the Boers in South Africa, without a murmur of disapproval, and without an expression of one word of sympathy for the heroic victims.

My term as Senator expired on the fourth of March, 1901. The election of Senator for the following term came in January of that year. I differed sharply from my colleague, Mr. Lodge, in this whole matter. But the people of Massachusetts, with the generous and liberal temper which ever distinguished that noble Commonwealth, desired that their Senators should act upon their own judgment, without any constraint.

A resolution was introduced at the session of the Legislature of 1899 by Mr. Mellen, Democratic member from Worcester, thanking me for my speech in opposition to the Spanish Treaty, endorsing the doctrine of that speech, and condemning the subjugation of the Philippine people by force of arms.

Charles G. Washburn, Republican member from Worcester, introduced a resolution commending my speech, and declaring it to be "A speech of the loftiest patriotism and eloquent interpretation of the high conception of human freedom which the fathers sought to preserve for all time in the Declaration of Independence and in the Constitution of the United States."

These resolution, if adopted, would, by implication, condemn the well-known opinion and action of my colleague. They were encountered by several others, none of which referred to either Senator, but expressed approval of the Spanish Treaty. One of them, however, presented in the House by Mr. Mills of Newburyport, declared that the Treaty ought to be ratified, and then the United States should fulfil to Porto Rico and the Philippine Islands the pledge of self-government and independence made to Cuba. Very wisely all these resolutions were referred to the Committee on Federal Relations, who reported this as a compromise:

RESOLUTION REPORTED BY THE COMMITTEE ON FEDERAL RELATIONS, OF THE LEGISLATURE, MARCH 29, 1899

Resolved, by the Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled, that Massachusetts, ever loyal in sympathy and support of the General Government, continues her unabated confidence in her Senators, and with a just pride in the eloquent and memorable words they have uttered, leaves them untrammelled in the exercise of an independent and patriotic judgment upon the momentous questions presented for their consideration.

The whole matter was then dropped. But the Legislature, and the generous people of Massachusetts whom they represented, acted upon the spirit of the Committee's Resolution. I was reelected without opposition. I had every Republican vote, and many Democratic votes, of the Legislature. My affectionate and cordial relations with my brilliant and accomplished colleague have never suffered an instant's interruption.

I think I am entitled to record, however, that this result was not accomplished by any abatement of my opposition to the policy of the Administration as to the Philippine Islands. I made a great many speeches within a few weeks of the Presidential election in 1900. The members of the Senate and House, of the Massachusetts Legislature, who were to choose a Senator, were to be chosen at the same time. I expressed my unchanged and earnest opposition of disapproval to the whole business at length.

In speaking of the habit of appealing to the love of the flag in behalf of this policy of conquest, I said that there was but one symbol more sacred than the American flag. That was the bread and wine which represented the body and blood of the Saviour of mankind; adding, that a man who would use an appeal to the flag in aid of the subjugation of an unwilling people, would be capable of using the sacramental wine for a debauch.

The week before the election of Senator came on a bill for the reorganization of the Army was before the Senate. That contained a provision for increasing the Army to a hundred thousand men, allowing the President, however, to reduce it to seventy thousand, and to raise it again if necessary, so it would in his discretion be elastic, within those limitations.

Mr. Bacon, of Georgia, who seemed to be the leader of the Democrats on that measure, inquired of the Republicans who were managing the bill, how many men they needed and what time would be required to put down the insurrection in the Philippine Islands. Senator Bacon said that they would give them the hundred thousand men, or any force they might demand for one or two or three or five years, or for any required time. But they were unwilling to give the President the power of expanding and contracting the army in time of peace. This was in full Senate.

I followed with a statement that I had no objection to giving the President this discretion, and did not disapprove the bill on that account. I thought the size of the Army in time of peace should be left largely to the opinion of the experts, especially General Miles, the famous soldier at the head of our Army, who thought the regular Army should consist of one hundred for every thousand of our population. That would be about eighty thousand then, and before long would require a hundred thousand men. But I said I was opposed to raising soldiers to carry on the war in the Philippine Islands. The only way to stop it that I knew was to refuse to vote for the Army Bill. I voted against it solely on that account.

I meant that if the Legislature of Massachusetts were to reelect me, no man should ever have it to say that I had bought my reelection by silence on this question, or concealed my opinion, however extreme it might be, until after election.

After my election I delivered an address before the two Houses of the Legislature, at their request, and was received with a most cordial enthusiasm.

Yet I think that if any leading Republican who had differed from me on this question, especially Governor Long, of whose brilliant administration of the Navy the people of the Commonwealth were so proud, had pressed his candidacy for the office in opposition to me, as has been the custom in like cases in other States, it is not unlikely that he would have been elected.

I have no doubt I should have found Governor Roger Wolcott a formidable competitor, if he had lived and been willing. Governor Wolcott had made a statement in public, quietly and briefly, as was his wont, expressing his sympathy with me when the question of the Treaty was under debate. Somewhat later he made a statement in the same way, expressing his opinion that the Administration should be supported. Both these declarations were in general terms. They were not inconsistent with each other. But death arrested the honorable and useful career of Roger Wolcott when he was still in the prime of life, in the strength of his noble manhood, a strength which seemed rapidly enlarging and growing as if in early youth.

I have not doubt that the subjugation of the Philippine Islands, the acquisition of a dependency to be held in subjection by the United States, the overthrow of the great doctrine that Governments rest on the consent of the governed; that all the painful consequences which have attended the war for the subjugation of that distant people, would have been avoided if the Democratic opposition had been hearty and sincere. The same spirit that defeated the Election bill in spite of the majority in its favor, would have easily accomplished that result. The Democratic Party, as a party, never meant business in this matter. I do not deny that many Democrats— I dare say a majority of the Democrats—were as earnestly and seriously opposed to the acquisition of the Philippine Islands as I was myself. But they never wielded their party strength in opposition to it. I said to one eminent Democratic leader early in the year 1900: "There is one way in which you can put an end to this whole business. If you can elect a Democratic House it will have power under the Constitution to determine the use to which the Army shall be put. In that way you compelled President Hayes to refrain from further support by military force of the Republican State Governments in the South." He answered: "Mr. Hoar, we shall never do anything as radical as that."

When Senator Bacon made the offer to the majority of the Senate to agree to give them all the military power they desired for the suppression of the resistance in the Philippines for as long a time as they should think it necessary, the entire Democratic Party in the Senate was in their seats, and there was no expression of dissent.

I think the Democratic Party feared the fate of the Federalists who opposed the War of 1812, and of the Democrats who opposed the War for the Union in 1861. This of course in the nature of things is but conjecture.

Seventeen of the followers of Mr. Bryan voted for the Treaty. The Treaty would have been defeated, not only lacking the needful two thirds, but by a majority of the Senate but for the votes of Democrats and Populists.

Senators Morgan and Pettus of Alabama, Senator McLaurin of South Carolina, Senator McEnery of Louisiana, were avowed supporters of the Treaty from the beginning.

Mr. Bryan in the height of the contest came to Washington for the express purpose of urging upon his followers that it was best to support the Treaty, end the War, and let the question of what should be done with our conquest be settled in the coming campaign. He urged upon them, as I was told by several Democrats at the time who did not take his advice, that the Democratic Party could not hope to win a victory on the financial questions at stake after they had been beaten on them in a time of adversity; and that they must have this issue for the coming campaign. He was besought by his wiser political associates to go away and leave the Senate to settle the matter. But he remained.

After that it became impossible, not only to defeat the Treaty, but to defeat the policy which had inspired it. The Treaty pledged that the Philippine Islands should be governed by Congress. It undertook obligations which require for their fulfillment, at least ten years' control of the Islands. It put the people of the Philippine Islands in the attitude of abandoning the Republic they had formed, and of acknowledging not only our supremacy but that they were neither entitled or fit to govern themselves or to carry on the war which had unfortunately broken out. I do not mean to imply that, as I have said, a large number of the Democratic Party both in public life and out of it, were not sincere and zealous in their opposition to this wretched business. But next to a very few men who controlled the policy of the Republican Party in this matter, Mr. Bryan and his followers who voted in the Senate for the Treaty are responsible for the results.

I have been blamed, as I have said already, because, with my opinions, I did not join the Democratic Party and help to elect Mr. Bryan. I disagreed with him and his party as to every other issue then pending before the American people. So differing from him, I found nothing in his attitude or that of his party, to induce me to support him, or even to inspire my confidence in their settlement of the question of Imperialism or expansion.

In my opinion, if he had been elected, he would have accepted the result, have put the blame for it on his predecessor in office, and matters would have gone on very much as they have under Republican control.

I have been told by many Senators who voted for the Treaty, that they regretted that vote more than any other act of their lives. Enough Senators have said this to me in person, not only to have defeated the Treaty, but if they had so voted, to have defeated it by a majority. A very eminent Republican Senator told me that more than twenty Senators, who voted for the Treaty, had given the same assurance to him. But they are very unwilling to make the declaration public. Several gentlemen, however, have publicly expressed their regret for their vote, as is well known, enough to have changed the result.

When I think of my party, whose glory and whose service to Liberty are the pride of my life, crushing out this people in their effort to establish a Republic, and hear people talk about *giving* them good Government, and that they are better off than they ever were under Spain, I feel very much as if I had learned that my father, or some other honored ancestor, had been a slave-trader in his time, and had boasted that he had introduced a new and easier kind of hand-cuffs or fetters to be worn by the slaves during the horrors of the middle passage.

I do not believe that there is a respectable or intelligent Filipino to-day, unless possibly some Macabebe scout, who would not get rid of the Government of the United States at once, if he could. Buencamino is said to be one of the ablest of their public men. He has been quoted as friendly to us, and is so. There is no doubt that he has so expressed himself. He has been appointed a member of the Taft Government, and has had committed to him the responsible and important duty of deciding the appointments to the offices which are to be filled by the native Filipinos, under the existing establishment. It is said by both sides that he is crafty and selfish and ambitious, and that he likes to be on the side that is the strongest. How that may be, I do not know. But he will not even pretend to accept the rule of the United States willingly. He appeared as a witness before a Committee of the House of Representatives, when in this country in 1902. He was asked whether his people approved the policy of the Democratic Party. He answered emphatically: "No. They do not wish to have the United States abandon them to the ambition or cupidity of foreign Governments." But he added: "Every

Filipino is in favor of the policy advocated by Senator Hoar." "What!" said his inquirer, with great surprise, "Do you mean to say that every Filipino agrees with Senator Hoar in his views?" "Yes," replied the man, with great emphasis; "every Filipino agrees with Senator Hoar."

I mentioned this one day in conversation with President Roosevelt. He told me that Buencamino had said exactly the same thing to him.

General Miles told me on his return from his journey round the world that he saw many leaders of the Philippine people; that they spoke of me with great regard and attachment.

June 17, 1902, an eminent Hindoo scholar, published a long article in the *Japan Times*, in which he said:

"The speech of Mr. Hoar, though an address to his own countrymen, is a message of hope to the whole world which sank with despondency at the sight of Republican America behaving like a cruel, tyrannical and rapacious Empire in the Philippines and particularly to the broken-hearted people of Asia who are beginning to lose all confidence in the humanity of the white races. Or is it that they have lost it already? Hence all papers in Asia should reprint his speech, translate it, and distribute it broadcast. Let it be brought home to the Asiatic people so that they may work and worship their champion and his forefathers. Thanks to the awakening in America, thanks to the forces that are at work to chase out the degenerating, demoralizing passion for territorial aggrandizement from the noble American mind and save it for itself and the world at large from the cancer of Imperialism."

I am afraid I am committing an offence against good taste in repeating such laudations. But it must be remembered that a public man who has to encounter so much bitter reviling and objurgation, is fairly entitled to have a little extravagance on the other side that the balance may be even. I would rather have the gratitude of the poor people of the Philippine Islands, amid their sorrow, and have it true that what I may say or do has brought a ray of hope into the gloomy caverns in which the oppressed peoples of Asia dwell, than to receive a Ducal Coronet from every Monarch in Europe, or command the applause of listening Senators and read my history in a Nation's eyes.

At first there can seem nothing more absurd than the suggestion of my Asiatic friend that the people of Asia should worship their champion and his ancestors. But on second thought, it is fair to say that while no human being can be entitled to be worshipped by any other, yet that we got our love of Liberty from our ancestors, or at any rate that is where I got mine, and that they are entitled to all the credit.

CHAPTER XXXIV APPOINTMENTS TO OFFICE

Among the great satisfactions in the life of public men is that of sometimes being instrumental in the advancement to places of public honor of worthy men, and of being able to have a great and salutary influence upon their lives. I have always held to the doctrine of what is called Civil Service Reform, and have maintained to the best of my ability the doctrine of the absolute independence of the Executive in such matters, as his right to disregard the wishes and opinions of members of either House of Congress, and to make his appointments, executive and judicial, without advice, or on such advice as he shall think best. But, at the same time, there can be no doubt that the Executive must depend on some advice other than his own, to learn the quality of men in different parts of this vast Republic, and to learn what will be agreeable to public opinion and to the party which is administering the Government and is responsible for its administration. He will, ordinarily, find no better source of such information than in the men whom the people have shown their own confidence by entrusting them with the important function of Senator or Representative. He will soon learn to know his men, and how far he can safely take such advice. He must be careful to see to it that he is not induced to build up a faction in his party, or to fill up the public offices with the partisans of ambitious but unscrupulous politicians. When I entered the House of Representatives, before the Civil Service Reform had made any progress, I addressed and had put on file with the Secretary of the Treasury a letter in which I said that I desired him to understand when I made a recommendation to him of any person for public office, it was to be taken merely as my opinion of the merit of the candidate, and not as an expression of a personal request; and that if he found any other person who would in his judgment be better for the public service, I hoped he would make the selection without regard to my recommendation.

I have never undertaken to use public office as personal patronage, or to claim the right to dictate to the President of the United States, or that the executive was not entirely free, upon such advice as he saw fit, or without advice, if he thought fit, in making his selection for public office.

It has been my good fortune to have influenced, or I think I may fairly say, procured the appointment to public office of many gentlemen who would not have been appointed without my active efforts. I have no reason to be ashamed of one of the list. I believe that the following gentlemen, beside others

less distinguished, who have been very satisfactory, able and faithful public servants, owe their appointment to my original suggestion, or would not have been appointed without my earnest efforts.

Charles Devens, Attorney-General; Alanson W. Beard, Collector of the Port of Boston; Horace Gray, first to the office of Reporter of the Supreme Court of Massachusetts, and later to that of Associate Justice of the Supreme Court of the United States; J. Evarts Greene, Postmaster of Worcester; Thomas L. Nelson, Judge of the District Court of Massachusetts; Francis C. Lowell, Judge of the District Court of Massachusetts; Howell E. Jackson, Associate Justice of the Supreme Court of the United States; John D. Washburn, Minister to Switzerland.

I think I may also fairly claim that the election of William B. Washburn as Governor of Massachusetts was due not only to the fact that I originally proposed him as a candidate, but to my active efforts in the campaign which preceded the Convention which nominated him.

There is no man in this list of greater ability or of higher quality of manhood than Evarts Greene. Mr. Greene was compelled by the illness of his wife to remain fast-bound in one spot, instead of going to some large city where his great talent would have commanded a very high place indeed in his profession as editor. When he edited the Worcester *Spy*, it was one of the most influential Republican newspapers in the country. The *Spy* got into pecuniary difficulties. Mr. Greene, with some reluctance, accepted the office of Postmaster, an office which, according to usage in such cases, was in my gift.

Just before Postmaster-General Wanamaker, whose executive ability no man will question, went out of office, he requested Mr. Greene to send to the Department an account of the improvements he had made and proposed in the post-office service. This was sent in a circular all over the country to other like post-offices.

Just before Mr. Greene died, President Roosevelt visited Worcester. In passing the post-office, where the persons employed in the service were collected, he stopped and said he was glad to see "what we have been accustomed to consider the record post-office." This, as may well be believed, gave Mr. Greene great satisfaction.

CHAPTER XXXV ORATORY AND SOME ORATORS I HAVE HEARD

The longer I live, the more highly I have come to value the gift of eloquence. Indeed, I am not sure that it is not the single gift most to be coveted by man. It is hard, perhaps impossible, to define, as poetry is impossible to define. To be a perfect and consummate orator is to possess the highest faculty given to man. He must be a great artist, and more. He must be a great actor, and more. He must be a master of the great things that interest mankind. What he says ought to have as permanent a place in literature as the highest poetry. He must be able to play at will on the mighty organ, his audience, of which human souls are the keys. He must have knowledge, wit, wisdom, fancy, imagination, courage, nobleness, sincerity, grace, a heart of fire. He must himself respond to every emotion as an AEolian harp to the breeze. He must have

An eye that tears can on a sudden fill
And lips that smile before the tears are gone.

He must have a noble personal presence. He must have, in perfection, the eye and the voice which are the only and natural avenues by which one human soul can enter into and subdue another. His speech must be filled with music, and possess its miraculous charm and spell,

Which the posting winds recall,
And suspend the river's fall.

He must have the quality which Burke manifested when Warren Hastings said, "I felt, as I listened to him, as if I were the most culpable being on earth"; and which made Philip say of Demosthenes, "Had I been there he would have persuaded me to take up arms against myself."

He has a present, practical purpose to accomplish. If he fail in that he fails utterly and altogether. His object is to convince the understanding, to persuade the will, to set aflame the heart of his audience or those who read what he says. He speaks for a present occasion. Eloquence is the feather that tips his arrow. If he miss the mark he is a failure, although his sentences may survive everything else in the permanent literature of the language in which he speaks. What he says must not only accomplish the purpose of the hour, but should be fit to be preserved for all time, or he can have no place in literature, and a small and ephemeral place in human memory.

The orator must know how so to utter his thought that it will stay. The poet and the orator have this in common. Each must so express and clothe his thought that it shall penetrate and take possession of the soul, and, having penetrated, must abide and stay. How this is done, who can tell? Carlyle defines poetry as a "sort of lilt." Cicero finds the secret of eloquence in a

Lepos quidem celeritasque et brevitatis.

One writer lately dead, who has a masterly gift of noble and stirring eloquence, finds it in "a certain collocation of consonants." Why it is that a change of a single word, or even of a single syllable, for any other which is an absolute synonym in sense, would ruin the best line in *Lycidas*, or injure terribly the noblest sentence of Webster, nobody knows. Curtis asks how Wendell Phillips did it, and answers his own question by asking you how Mozart did it.

When I say that I am not sure that this is not the single gift most to be coveted by man, I may seem to have left out the moral quality in my conception of what is excellent. But such is the nature of man that the loftiest moral emotions are still the overmastering emotions. The orator that does not persuade men that righteousness is on his side will seldom persuade them to think or act as he desires; and if he fail in that he fails in his object; and the orator who has not in fact righteousness on his side will in general fail so to persuade them. And even if in rare cases he do persuade his audience, he does not gain a permanent place in literature. Bolingbroke's speeches, though so enthusiastically praised by the best judges, have perished by their own worthlessness.

Although the danger of the Republic, and his own, still occupied his thoughts, Cicero found time in his old age to record, at the request of his brother Quintus, his opinion, *de omni ratione dicendi*. It is not likely that the treatise "de Oratore" or that "de Claris Oratoribus" will ever be matched by any other writer on this fascinating subject, except the brief and masterly fragment of Tacitus.

He begins by inquiring why it is that, when so many persons strive to attain the gift of eloquence, and its rewards of fame and wealth and power are so great, the number of those who succeed as orators is so small in comparison with the number of those who become great generals, or statesmen, or poets. I suppose this fact, which excited the wonder of Cicero, exists in our country and our time. There is a foreign country which is to us as a posterity. If we reckon those Americans only as great orators who are accepted in England as such, or who, belonging to past generations are so accepted now by their own countrymen, the number is very small. A few sentences of Patrick Henry are preserved, as a few sentences of Lord Chatham are preserved. The great thoughts of Webster justify, in the estimation of the reader, the fame he enjoyed with his own generation. The readers of Fisher Ames—alas, too few—can well comprehend the spell which persuaded an angry and reluctant majority to save the treaty to which the nation had pledged its faith, and, perhaps, the life of the nation itself. With these exceptions, the number of American orators who will live in history as orators can be counted on the fingers of one hand.

I have never supposed myself to possess this gift. The instruction which I had in my youth, especially that at Harvard, either in composition or elocution, was, I think, not only of no advantage, but a positive injury. Besides the absence of good training, I had an awkward manner, and a harsh voice. Until quite late in life I never learned to manage so that I could get through a long speech without serious irritation of the throat. But I have had good opportunity to hear the best public speaking of my time. I have heard in England, on a great field day in the House of Commons, Palmerston, Lord John Russell, and John Bright, and, later, Disraeli, Gladstone and Bernal Osborne. I have heard Spurgeon, and Bishop Wilberforce, and Dr. Guthrie in the pulpit.

At home I have heard a good many times Daniel Webster, Edward Everett, Rufus Choate, Robert C. Winthrop, John P. Hale, Wendell Phillips, Charles Sumner, Richard H. Dana, Ralph Waldo Emerson, James G. Blaine, Lucius Q. C. Lamar, James A. Garfield, William McKinley, William M. Evarts, Benjamin F. Thomas, Pliny Merrick, Charles Devens, Nathaniel P. Banks, and, above all, Kossuth; and in the pulpit, James Walker, Edwards A. Park, Mark Hopkins, Edward Everett Hale, George Putnam, Starr King, and Henry W. Bellows. So, perhaps, my experience and observation, too late for my own advantage, may be worth something to my younger readers.

I am not familiar with the books which have been lately published which give directions for public speaking. So I dare say that what I have to advise is already well known to young men, and that all I can say has been said much better. But I will give the result of my own experience and observation.

In managing the voice, the speaker when he is engaged in earnest conversation, commonly and naturally falls into the best tone and manner for public speaking. Suppose you are sitting about a table with a dozen friends, and some subject is started in which you are deeply interested. You engage in an earnest and serious dialogue with one of them at the other end of the table. You are perfectly at ease, not caring in the least for your manner or tone of voice, but only for your thought. The tone you adopt

then will ordinarily be the best tone for you in public speaking. You can, however, learn from teachers or friendly critics to avoid any harsh or disagreeable fashion of speech that you may have fallen into, and that may be habitual to you in private conversation.

Next. Never strain your vocal organs by attempting to fill spaces which are too large for you. Speak as loudly and distinctly as you can do easily, and let the most distant portions of your audience go. You will find in that way very soon that your voice will increase in compass and power, and you will do better than by a habit of straining the voice beyond its natural capacity. Be careful to avoid falsetto. Shun imitating the tricks of speech of other orators, even of famous and successful orators. These may do for them, but not for you. You will do no better in attempting to imitate the tricks of speech of other men in public speaking than in private speaking.

Never make a gesture for the sake of making one. I believe that most of the successful speakers whom I know would find it hard to tell you whether they themselves make gestures or not, they are so absolutely unconscious in the matter. But with gestures as with the voice, get teachers or friendly critics to point out to you any bad habit you may fall into. I think it would be well if our young public speakers, especially preachers, would have competent instructors and critics among their auditors, after they enter their profession, to give them the benefit of such observations and counsel as may be suggested in that way. If a Harvard professor of elocution would retain his responsibility for his pupils five or ten years after they got into active life he would do a great deal more good than by his instructions to undergraduates.

So far we have been talking about mere manner. The matter and substance of the orator's speech must depend upon the intellectual quality of the man.

The great orator must be a man of absolute sincerity. Never advocate a cause in which you do not believe, or affect an emotion you do not feel. No skill or acting will cover up the want of earnestness. It is like the ointment of the hand which bewrayeth itself.

I shall be asked how I can reconcile this doctrine with the practice of the law. It will be said the advocate must often defend men whom he believes to be guilty, or argue to the court propositions he believes to be unsound. This objection will disappear if we consider what exactly is the function of the advocate in our system of administering justice.

I suppose it is needless to argue to persons of American or English birth that our system of administering justice is safer for the innocent and, on the whole, secures the punishment of guilt and secures private right better than any other that now exists or that ever existed among men. The chief distinction of the system we have inherited from England consists in two things: first, the function of the advocate, and second, that cases are decided not upon belief, but upon proof. It has been found that court or jury are more likely to get at truth if they have the aid of trained officers whose duty it shall be to collect and present all the arguments on each side which ought to be considered before the court or jury reach the decision. The man who seems clearly guilty should not be condemned or punished unless every consideration which may tend to establish innocence or throw doubt upon guilt has been fully weighed. The unassisted tribunal will be quite likely to overlook these considerations. Public sentiment approves the judgment and the punishment in the case of John W. Webster. But certainly he should never have been convicted without giving the fullest weight to his previous character and to the slightness of the temptation to the commission of such a crime, to the fact that the evidence was largely circumstantial, to the doubt of the identity of the body of the victim, and to the fact that the means or instrument of the crime which ordinarily must be alleged and proved in cases of murder could not be made certain, and could not be set forth in the indictment. The question in the American or English court is not whether the accused be guilty. It is whether he be shown to be guilty, by legal proof, of an offence legally set forth. It is the duty of the advocate to perform his office in the mode best calculated to cause all such considerations to make their due impression. It is not his duty or his right to express or convey his individual opinion. On him the responsibility of the decision does not rest. He not only has no right to accompany the statement of his argument with any assertion as to his individual belief, but I think the most experienced observers will agree that such expressions, if habitual, tend to diminish and not to increase the just influence of the lawyer. There was never a weightier advocate before New England juries than Daniel Webster. Yet it is on record that he always carefully abstained from any positiveness of assertion. He introduced his weightiest arguments with such phrases as, "It will be for the jury to consider," "The Court will judge," "It may, perhaps, be worth thinking of, gentlemen," or some equivalent phrase by which he kept scrupulously off the ground which belonged to the tribunal he was addressing. The tricks of advocacy are not only no part of the advocate's duties, but they are more likely to repel than to attract the hearers. The function of the advocate in the court of justice, as thus defined and limited, is tainted by no insincerity or hypocrisy. It is as respectable, as lofty, and as indispensably necessary as that of the judge himself.

In my opinion, the two most important things that a young man can do to make himself a good public speaker are:

First. Constant and careful written translations from Latin or Greek into English.

Second. Practice in a good debating society.

It has been said that all the greatest Parliamentary orators of England are either men whom Lord North saw, or men who saw Lord North—that is, men who were conspicuous as public speakers in Lord North's youth, his contemporaries, and the men who saw him as an old man when they were young themselves. This would include Bolingbroke and would come down only to the year of Lord John Russell's birth. So we should have to add a few names, especially Gladstone, Disraeli, John Bright, and Palmerston. There is no great Parliamentary orator in England since Gladstone died. I once, a good many years ago, studied the biographies of the men who belonged to that period who were famous as great orators in Parliament or in Court, to find, if I could, the secret of their power. With the exception of Lord Erskine and of John Bright, I believe every one of them trained himself by careful and constant translation from Latin or Greek, and frequented a good debating society in his youth.

Brougham trained himself for extemporaneous speaking in the Speculative Society, the great theatre of debate for the University of Edinburgh. He also improved his English style by translations from the Greek, among which is his well-known version of the "Oration on the Crown."

Canning's attention, while at Eton, was strongly turned to extemporaneous speaking. They had a debating society, in which the Marquis of Wellesley and Charles Earl Grey had been trained before him, in which they had all the forms of the House of Commons—Speaker, Treasury benches, and an Opposition. Canning also was disciplined by the habit of translation.

Curran practised declamation daily before a glass, reciting passages from Shakespeare and the best English orators. He frequented the debating societies which then abounded in London. He failed at first, and was ridiculed as "Orator Mum." But at last he surmounted every difficulty. It was said of him by a contemporary: "He turned his shrill and stumbling brogue into a flexible, sustained, and finely modulated voice; his action become free and forcible; he acquired perfect readiness in thinking on his legs; he put down every opponent by the mingled force of his argument and wit; and was at last crowned with the universal applause of the society and invited by the president to an entertainment in their behalf." I am not sure that I have seen, on any good authority, that he was in the habit of writing translations from Latin or Greek, but he studied them with great ardor and undoubtedly adopted, among the methods of perfecting his English style, the custom of students of his day of translation from these languages.

Jeffrey joined the Speculative Society, in Edinburgh, in his youth. His biographer says that it did more for him than any other event in the whole course of his education.

Chatham, the greatest of English orators, if we may judge by the reports of his contemporaries, trained himself for public speaking by constant translations from Latin and Greek. The education of his son, the younger Pitt, is well known. His father compelled him to read Thucydides into English at sight, and to go over it again and again, until he had got the best possible rendering of the Greek into English.

Macaulay belonged to the Cambridge Union, where, as in the society of the same name at Oxford, the great topics of the day were discussed by men, many of whom afterward became famous statesmen and debaters in the Commons.

Young Murray, afterward Lord Mansfield, translated Sallust and Horace with ease; learned great part of them by heart; could converse fluently in Latin; wrote Latin prose correctly and idiomatically, and was specially distinguished at Westminster for his declamations. He translated every oration of Cicero into English and back again into Latin.

Fox can hardly have been supposed to have practised much in debating societies, as he entered the House of Commons when he was nineteen years old. But it is quite probably that he was drilled by translations from Latin and Greek into English; and in the House of Commons he had in early youth the advantage of the best debating society in the world. It is said that he read Latin and Greek as easily as he read English. He himself said that he gained his skill at the expense of the House, for he had sometimes tasked himself during the entire session to speak on every question that came up, whether he was interested in it or not, as a means of exercising and training his faculties. This is what made him, according to Burke, "rise by slow degrees to be the most brilliant and accomplished debater the world ever saw."

Sir Henry Bulwer's "Life of Palmerston" does not tell us whether he was trained by the habit of

writing translations or in debating societies. But he was a very eager reader of the classics. There is little doubt, however, considering the habit of his contemporaries at Cambridge, and that he was ambitious for public life, and represented the University of Cambridge in Parliament just after he became twenty-one, that he belonged to a debating society and that he was drilled in English composition by translation from the classics.

Gladstone was a famous debater in the Oxford Union, as is well known, and was undoubtedly in the habit of writing translations from Greek and Latin, of which he was always so passionately fond. He says in his paper on Arthur Hallam that the Eton debating club known as the Society supplied the British Empire with four Prime Ministers in fourscore years.

The value of the practice of translation from Latin or Greek into English, in getting command of good English style, in my judgment, can hardly be stated too strongly. The explanation is not hard to find. You have in these two languages and especially in Latin, the best instrument for the most precise and most perfect expression of thought. The Latin prose of Tacitus and Cicero, the verse of Virgil and Horace, are like a Greek statue, or an Italian cameo—you have not only exquisite beauty, but also exquisite precision. You get the thought into your mind with the accuracy and precision of the words that express numbers in the multiplication table. Ten times one are ten—not ten and one one-millionth. Having got the idea into your mind with the precision, accuracy, and beauty of the Latin expression, you are to get its equivalent in English. Suppose you have knowledge of no language but your own. The thought comes to you in the mysterious way in which thoughts are born, and struggles for expression in apt words. If the phrase that occurs to you does not exactly fit the thought, you are almost certain, especially in speaking or rapid composition, to modify the thought to fit the phrase. Your sentence commands you, not you the sentence. The extemporary speaker never gets, or easily loses, the power of precise and accurate thinking or statement, and rarely attains a literary excellence which gives him immortality. But the conscientious translator has no such refuge. He is confronted by the inexorable original. He cannot evade or shirk. He must try and try and try again until he has got the exact thought expressed in its English equivalent. This is not enough. He must get an English expression if the resources of the language will furnish it, which will equal as near as may be the dignity and beauty of the original. He must not give you pewter for silver, or pinchbeck for gold, or mica for diamond. This practice will soon give him ready command of the great riches of his own noble English tongue. It will give a habitual nobility and beauty to his own style. The best word and phrase will come to him spontaneously when he speaks and thinks. The processes of thought itself will grow easier. The orator will get the affluence and abundance which characterize the great Italian artists of the Middle Ages, who astonish us as much by the amount and variety of their work as by its excellence.

The value of translation is very different from that of original written composition. Cicero says:

"Stilus optimus et praestantissimus dicendi effector ac magister."

Of this I am by no means sure. If you write rapidly you get the habit of careless composition. If you write slowly you get the habit of slow composition. Each of these is an injury to the style of the speaker. He cannot stop to correct or scratch out. Cicero himself in a later passage states his preference for translation. He says that at first he used to take a Latin author, Ennius or Gracchus, and get the meaning into his head, and then write it again. But he soon found that in that way if he used again the very words of his author he got no advantage, and if he used other language of his own, the author had already occupied the ground with the best expression, and he was left with the second best. So he gave up the practice and adopted instead that of translating from the Greek.

But to go back to what makes an orator. As I have said, his object is to excite the emotions which, being excited, will be most likely to impel his audience to think or act as he desires. He must never disgust them, he must never excite their contempt. He can use to great advantage the most varied learning, the profoundest philosophy, the most compelling logic. He must master the subject with which he has to deal, and he must have knowledge adequate to illustrate and adorn it. When every other faculty of the orator is acquired, it sometimes almost seems as if the voice were nine-tenths, and everything else but one-tenth, of the consummate orator. It is impossible to overrate the importance to his purpose of that matchless instrument, the human voice.

The most fastidious critic is by no means the best judge, seldom even a fairly good judge, of the public speaker. He is likely to be a stranger to the emotion which the orator inspires and excites. He is likely to fall into mistakes like that which Goldwin Smith makes about Patrick Henry. Mr. Smith ridicules Henry's speech and action and voice. The emotion which the great Virginian stirred in the breasts of his backwoodsmen seems very absurd to this cultured Englishman. The bowing and changes of countenance and gesticulating of the orator seem to him like the cheapest acting. Yet to us who understand it, it does not seem that Patrick Henry in the old church at Richmond need yield the palm to Chatham in St. Stephen's Chapel, either for the grandeur of his theme or of his stage, or the sublimity

of his eloquence.

Matthew Arnold had the best pair of intellectual eyes of our time. But he sometimes made a like mistake as a critic of poetry. He speaks slightly of Emerson's Fourth of July Ode—

Oh tenderly the haughty day
Fills his blue urn with fire;
One morn is in the mighty heaven,
And one in our desire.

What did the Englishman know of the Fourth of July emotion which stirred all Americans in the days when the country had just escaped destruction, and was entering upon its new career of freedom and of glory? What could he understand of that feeling, full of the morning and of the springtime, which heard the cannon boom and the bells ring, with stirring and quickened pulse, in those exultant days? Surely there never was a loftier stroke than that with which the New England poet interpreted to his countrymen the feeling of that joyous time—the feeling which is to waken again when the Fourth of July comes round on many anniversaries:

Oh tenderly the haughty day
Fills his blue urn with fire;
One morn is in the mighty heaven,
And one in our desire.

It is often said that if a speech read well it is not a good speech. There may be some truth in it. The reader cannot, of course, get the impression which the speaker conveys by look and tone and gesture. He lacks that marvellous influence by which in a great assembly the emotion of every individual soul is multiplied by the emotion of every other. The reader can pause and dwell upon the thought. If there be a fallacy, he is not hurried away to something else before he can detect it. So, also, more careful and deliberate criticism will discover offences of style and taste which pass unheeded in a speech when uttered. But still the great oratoric triumphs of literature and history stand the test of reading in the closet, as well as of hearing in the assembly. Would not Mark Anthony's speech over the dead body of Caesar, had it been uttered, have moved the Roman populace as it moves the spectator when the play is acted, or the solitary reader in his closet? Does not Lord Chatham's "I rejoice that America has resisted" read well? Do not Sheridan's great perorations, and Burke's, in the Impeachment of Warren Hastings, read well? Does not "Liberty and Union, Now and Forever!" read well? Does not "Give me Liberty or Give me Death!" read well? Does not Fisher Ames's speech for the treaty read well? Do not Everett's finest passages read well?

There are examples of men of great original genius who have risen to lofty oratory on some great occasion who had not the advantage of familiarity with any great author. But they are not only few in number, but the occasions are few when they have risen to a great height. In general the orator, whether at the Bar, or in the pulpit, or in public life, who is to meet adequately the many demands upon his resources, must get familiarity with the images and illustrations he wants, and the resources of a fitting diction, by soaking his mind in some great authors which will alike satisfy and stimulate his imagination, and supply him with a lofty expression. Of these I suppose the best are, by common consent, the Bible, Shakespeare, and Milton. It is a maxim that the pupil who wishes to acquire a pure and simple style should give his days and nights to Addison. But there is a lack of strength and vigor in Addison, which perhaps prevents his being the best model for the advocate in the court-house or the champion in a political debate. I should rather, for myself, recommend Robert South to the student. If the speaker, whose thought have weight and vigor in it, can say it as South would have said it, he may be quite sure that his weighty meaning will be expressed alike to the mind of the people and the apprehension of his antagonist.

There is one great difference between the condition of the American orator and that of the orator of antiquity. The speaker, in the old time, addressed an audience about to act instantly upon the emotions or convictions he had himself caused. Or he spoke to a Judge who was to give no reason for his opinion. The sense of public responsibility scarcely existed in either. The speech itself perished with the occasion, unless, as in some few instances, the orator preserved it in manuscript for a curious posterity. Even then the best of them had discovered that not eloquence, but wisdom, is the power by which states grow and flourish.

"*Omnia plena consiliorum, inania verborum.*

"*Quid est tam furiosum quam verborum vel optimorum atque ornatissimorum sonitus inanis nulla subjecta sententia nec scientia?*"

Cicero's oratory is to excite his hearers, whether Judge or popular assembly, for the occasion. Not so

in general with our orator. The auditor is ashamed of excitement. He takes the argument home with him: He sleeps on it. He reads it again in the newspaper report. He hears and reads the other side. He discusses with friends and antagonists. He feels the responsibility of his vote. He expects to have to justify it himself. Even the jurymen hear the sober statement of the Judge, and talk the case over with his associates of the panel in the quiet seclusion of the jury-room. The Judge himself must state the reasons for his opinions, which are to be read by a learned and critical profession and by posterity. The speaker's argument must be sounded, and rung, and tested, and tried again and again, before the auditor acts upon it. Our people hear some great orators as they witness a play. The delight of taste, even intellectual gratification, caused by what is well said, is one thing. Conviction is quite another. The printing-press and the reporter, the consultation in the jury-room, the reflection in the Judge's chamber, the delay of the election to a day long after the speech, are protections against the mischief of mere oratory, which the ancients did not enjoy.

I heard a debate in the House of Commons in 1860, on the paper duties, in which Lord John Russell, Palmerston, Gladstone, and John Bright took part. Gladstone's part was not very prominent. I now remember little that he said. His image, as it then appeared, is effaced by his later appearance on a much greater occasion. Bright spoke admirably, both in manner and matter. He was an Independent, through giving general support to the measures of the Government, in which Palmerston and Lord Russell were the leaders. He complained bitterly of their acquiescence in what he thought the unconstitutional attitude of the House of Lords, in refusing to consent to the abolition of the paper duties, for which the House of Commons had voted. But the Government, though they had tried to abolish the duty, were very glad to hold on to the revenue. Bright had none of the English hesitation, and frequent punctuation of sentences with—"er"—"er"—which has led some one, speaking of English orators, to say that "to err" is human. He reminded me in general, in look, voice, and manner, of the late Richard H. Dana, although he sometimes threw more passion and zeal into his speech than Dana ever indulged. Periods followed each other in easy and rapid flow. He had a fine voice and delivery, easily filling the hall from his place below the gangway.

Palmerston, in his jaunty and off-hand way, rebuked Bright for desiring to make the House of Commons adopt a resolution which would only show its own helplessness. On the whole, he seemed to me to get the better of the debate. Bright could not persuade the House, or the people of England, to make a great constitutional question out of the paper duties, especially after the powerful speech of Lord Lyndhurst, who, then more than ninety years old, argued for the side of the Lords with a power that no other speaker on the subject rivalled.

I heard Gladstone again in 1871, when there was a great struggle between him and Disraeli over the Parliamentary and Municipal Elections Bill. I visited the House with Thomas Hughes, to whom I was indebted for much courtesy while in London, and had a seat on the floor just below the gallery, where a few strangers are, or were then, admitted by special card from the Speaker.

Bernal Osborne, Sir Michael Hicks-Beach, Sir Stafford Northcote, Gladstone, and Disraeli took part in the debate. The bill was introduced by Mr. Gladstone's Government. The question that night was on a motion to strike out the provision for the secret ballot; so the opponents of the Government had to close in support of the motion. The report of Hansard purports to be in the first person. But I can testify from memory that it is by no means verbally accurate. I have no doubt the speeches were taken down in short-hand. The phonetic system was then used. But the report seems to be about like those which our good short-hand reporters used to make before that invention. The speeches are well worth studying by a person who wishes to get an idea of the intellectual and literary quality of these champions. There is no great passage in any one of them. But the capacity and quality of power appear distinctly. Osborne was full of a shrewd and delightful wit, without the vitriolic flavor which often appears in the sarcasm of Disraeli. Gladstone showed his power of elevating the discussion to a lofty plane, which his opponent never reached, although Disraeli launched at him many a keen shaft from below. Mr. Hughes sat by me most of the night, and occasionally brought and introduced to me some eminent person whom he thought I would like to know.

The members of our National House of Representatives, however turbulent or disorderly, never would submit to the fashion of treating a speaker whom they do not want to hear which prevails in the House of Commons. When Mr. Gladstone got through, the night was far spent, and the House evidently wanted to hear Disraeli, then vote and go home. Mr. Plunket, a member for the University of Dublin, who seemed an intelligent and sensible man, rose, wishing to correct a statement of Mr. Gladstone's, which he thought had done him an injustice. Disraeli rose about the same time, but bowed and gave way. The House did not like it. Poor Plunket's voice was drowned in the storm of shouts—"Sit down. Sit down. Dizzy, Dizzy," in which my friend, Mr. Hughes, although of Gladstone's party, joined at the top of his lungs. I think the Bedlam lasted five minutes. But Plunket stood his ground and made his correction.

Although Bernal Osborne was a man of great wit and sense, and Sir Stafford Northcote and Sir

Michael Hicks-Beach were then, as the latter is now, very eminent characters, yet the only speakers who belonged to the rank of the great orators were Gladstone and Disraeli. I will not undertake to add another description of Gladstone to the many with which every reader of mine is thoroughly familiar. The late Dr. Bellows resembled him very nearly, both in his way of reasoning and his manner of speech. Persons who have heard Dr. Bellows at his best will not deem this comparison unworthy.

Gladstone was terribly in earnest. He began his speech by a compliment to Northcote, his opponent, for whom he had shown his esteem by sending him to the United States as one of the Joint High Commission to make the Alabama Treaty. But when Mr. Gladstone was well under way, Sir Stafford interposed a dissent from something he said by calling out "No, no"—a very frequent practice in the House. Gladstone turned upon him savagely, with a tone of anger which I might almost call furious: "Can the gentleman tolerate no opinion but his own, that he interjects his audible contradiction into the middle of my sentence?" The House evidently did not like it. Hughes, who agreed with Gladstone, said to me: "What a pity it is that he cannot control his temper; that is his great fault."

There are no passages in this speech of Gladstone that can be cited as among the best examples of the great style of the orator. But there are several that give a good idea of his manner, and show something of the argument in two or three sentences: "I am not at all ashamed of having said, and I will say it again, that this is a choice of evils. I do not say that the proposal for a secret ballot is open to no objections whatever. I admit that open voting has its evils as well as its merits. One of these merits is that it enables a man to discharge a noble duty in the noblest possible manner. But what are its demerits? That by marking his vote you expose the voter to be tempted through his cupidity and through his fears. We propose, by secret voting, to greatly diminish the first of these, and we hope to take away the second. We do not believe that the disposition to bribe can operate with anything like its present force when the means of tracing the action of the man bribed are taken away, because men will not pay for that they do not know they will ever receive."

"I think it is too late for the honorable gentleman to say, 'We are passing through an experiment; wait for more experiment.'" "We have already been debating this subject for forty years; we have plenty of time on our hands; it is a Godsend to have anything to fill up our vacant hours; and therefore let us postpone the subject in order that it may be dealt with in future years."

The great quality of Gladstone, as of Sumner, is his profound seriousness. He makes the impression on his hearers, an impression made, but not so strongly, upon his readers, that the matter he is discussing is that upon which the foundations of heaven and earth rest.

It would be a great mistake to hold Disraeli cheap. He turned the tables upon Osborne, who had gone into several, what Disraeli called, archaeological details, with respect to the antiquity of the ballot, and had cited a proclamation of Charles I. prohibiting the ballot in all corporations, either in the city of London or elsewhere, which Disraeli said "was done with the admirable view of identifying the opinions of those who sit on this side of the House with the political sentiments of that monarch. But there was another assertion of the principle that the ballot should be open that the gentleman has not cited. That occurred in the most memorable Parliament that ever sat in England—the Long Parliament . . . They wished it therefore to be exercised, not to satisfy the self-complacency of the individual, but with due respect for common-sense and the public opinion of the country, and influenced by all those doctrines and all that discipline of party which they believed to be one of the best securities for public liberty."

Gladstone showed in his speech the profounder reflection on the general subject, the more philosophy, and the intenser earnestness; Disraeli showed quickness of wit, a ready command of his resources, ability for subtle distinctions, and glimpses of his almost Satanic capacity for mocking and jeering. He describes Mr. Gladstone most felicitously as "inspired by a mixture of genius and vexation." He speaks of his majority as a "mechanical majority, a majority the result of heedlessness of thought on the part of members who were so full of other questions that they gave pledges in favor of the ballot without due consideration."

He said: "There is a celebrated river, which has been the subject of political interest of late, and with which we are all acquainted. It rolls its magnificent volume, clear and pellucid, in its course; but it never reaches the ocean; it sinks into mud and morass. And such will be the fate of this mechanical majority. The conscience of the country is against it. It is an old-fashioned political expedient; it is not adapted to the circumstances which we have to encounter in the present, and because it has no real foundation of truth or policy, it will meet with defeat and discomfiture."

Gladstone had, what is quite rare, and what no famous American orator that I now think of, except Choate and Evarts, have had—a tendency to diffuse and somewhat involved speech, and at the same time a gift of compact epigrammatic utterance on occasions. When Mr. Evarts, who was my near relative, and a man with whom I could take a liberty, came into the Senate, I said to him that we should have to amend the rules so that a motion to adjourn would be in order in the middle of a sentence; to

which he replied that he knew of nobody in this country, who objected to long sentences, except the criminal classes.

Gladstone was the last of a school of oratory, and the last of our time—I hope not for all time—of a school of statesmen. When he entered upon a discussion in Parliament, or on the hustings, he elevated it to the highest possible plane. The discussion became alike one of the highest moral principles and the profoundest political philosophy. He seemed to be speaking as our statesmen of the Revolutionary time, and the time of framing our Constitution. He used to speak to all generations alike. What he had to say would have been true and apt and fit to be uttered in the earlier days of Athens and Rome, and true and apt and fit to be uttered for thousands of years to come. He had, in a large measure, a failing which all Englishmen have, and always had; the notion that what is good for England is good for humanity at large. Still it was a lofty morality and a lofty ideal statesmanship. It was sincere. What he said, that he believed. It came straight from his heart, and he kindled in the bosoms of his listeners the ardor of his own heart. He was not afraid of his ideals.

I heard Dr. Guthrie in Edinburgh in 1860. It was a hot day. My companion was just getting well from a dangerous attack of bleeding at the lungs. We made our way with difficulty into the crowded church. The people were, almost all of them, standing. We were obliged, by my friend's condition, to get out again before the sermon. I remember, however, the old man's attitude, and his prayer in the racy, broad Scotch, the most tender, pathetic and expressive language on earth for the deeper emotions as well as for humor. I wonder if my readers have ever seen the version of the Psalms—

"Frae Hebrew Intil Scottis," by P. Hatelty Waddell, LL.D.,
Minister, Edinburgh, 1891.

If not, and they will get it, a new delight is in store for them, and they will know something of the diction of Dr. Guthrie.

He once began a prayer, "O Lord, it is a braw thing to loe ye. But it is a better (bitter) thing to hate ye."

The beauty of this dialect is that while it is capable alike of such tenderness, and such lofty eloquence, and such exquisite and delicate humor, it is, like our Saxon, incapable of falsetto, or of little pomposities.

I heard Lyman Beecher, then a very old man, before a meeting of the members of the Massachusetts Legislature in 1852, when the measure known as the Maine Liquor Law was pending. He bore unmistakable marks of advanced age. But there were one or two passages that showed the power of the orator, one especially in which he described the beauty and delight of our homes, and intemperance threatening them with its waves like a great sea of fire.

I saw Henry Ward Beecher several times in private, and had pleasant talks with him. But I am sorry to say I never heard him speak, so far as I can now remember, on any occasion when he put forth his power. But if half that is told of his speeches, during the Civil War, some of them to hostile and angry audiences, be true, he was a consummate master. One story is told of him which I suppose is true, and, if it be true, ranks him as one of the greatest masters of his art that ever lived. It is said that he was speaking to a great crowd in Birmingham, or perhaps Liverpool, which constantly goaded him with hostile interruptions, so that he had great difficulty in getting on. At last one fellow provoked the cheers and applause of the audience by crying out—"Why didn't you put down the Rebellion in sixty days as you said you would?" Beecher paused a moment until they became still, in their eagerness to hear his reply, and then hurled back—"We should if they had been Englishmen." The fierce, untamed animal hesitated a moment between anger and admiration, and then the English love of fair play and pluck prevailed, and the crowd cheered him and let him go on.

But any man who reads Beecher's delightful "Letters from the White Mountains," or some of his sermons, and imagines his great frame, and far-sounding voice, will get a conception of his power to play on the feelings or men, of his humor, and pathos, and intense conviction, and rapidity in passing from one emotion to another, and will understand him.

I heard Rufus Choate a great many times. I heard nearly all the speeches given in Brown's Life; and I heard him a great many times at the Bar, both before juries and the full Court. He is the only advocate I ever heard who had the imperial power which would subdue an unwilling and hostile jury. His power over them seemed like the fascination of a bird by a snake. Of course, he couldn't do this with able Judges, although all Judges who listened to him would, I think, agree that he was as persuasive a reasoner as ever lived. But with inferior magistrates and juries, however intelligent, however determined they were in a made-up opinion, however on their guard against the charmer, he was almost irresistible. There are very few important cases recorded that Choate lost. Non supplex, sed

magister aut dominus videretur esse iudicum.

Choate's method was pure persuasion. He never appealed to base motives, nor tried to awake coarse prejudices or stormy passions. He indulged in no invective. His wit and sarcasm and ridicule amused the victim almost as much as it amused the bystander. He had the suaviloquentia which Cicero attributes to Cornelius. There was never a harsh note in his speech.

Latrantur enim jam quidam oratores, non loquuntur.

When he was confronted with some general rule, or some plain fact, he had a marvellous art of subtle distinction. He showed that his client, or witness, or proposition, belonged to a class of itself. He invested it with a distinct and intense personality. He held up his fact or his principle before the mind of the Court and the jury. He described and pictured it. He brought out in clear relief what distinguished it from any other fact or proposition whatever. If necessary, he would almost have made a jury, before he was through, think the Siamese twins did not look alike, and possibly that they never could have been born of the same parents.

He had a voice without any gruff or any shrill tones. It was like a sweet, yet powerful flute. He never strained it or seemed to exert it to its fullest capacity. I do not know any other public speaker whose style resembled his in the least. Perhaps Jeremy Taylor was his model, if he had any model. The phraseology with which he clothed some commonplace or mean thought or fact, when he was compelled to use commonplace arguments, or to tell some common story, kept his auditors ever alert and expectant. An Irishman, who had killed his wife, threw away the axe with which Choate claimed the deed was done, when he heard somebody coming. This, in Choate's language, was "the sudden and frantic ejaculation of the axe." Indeed his speech was a perpetual surprise. Whether you liked him or disliked him, you gave him your ears, erect and intent. He used manuscript a great deal, even in speaking to juries. When a trial was on, lasting days or weeks, he kept pen, ink, and paper at hand in his bedroom, and would often get up in the middle of the night to write down thoughts that came to him as he lay in bed. He was always careful to keep warm. It was said he prepared for a great jury argument by taking off eight great coats and drinking eight cups of green tea.

When I was a young lawyer in Worcester I had something to do before the Court sitting in the fourth story of the old stone court house in Boston. I finished my business and had just time to catch the train for home. As I came down the stairs I passed the door of the court-room where the United States Court was sitting. The thick wooden door was open, and the opening was closed by a door of thin leather stretched on a wooden frame. I pulled it open enough to look in, and there, within three feet of me, was Choate, addressing a jury in a case of marine insurance, where the defence was the unseaworthiness of the vessel. I had just time to hear this sentence, and shut the door and hurry to my train: "She went down the harbor, painted and perfidious—a coffin, but no ship."

I hear now, as if still in the eager throng, his speech in Faneuil Hall during the Mexican War. He demanded that we should bring back our soldiers to the line we claimed as our rightful boundary, and let Mexico go. He said we had done enough for glory, and that we had humiliated her enough.

"The Mexican maiden, as she sits with her lover among the orange-groves, will sing to her guitar the story of these times—'Ah, woe is me, Alhama,' for a thousand years to come."

Choate, like other good orators, and like some great poets, notably Wordsworth, created the taste which he satisfied. His dramatic action, his marvellous and strange vocabulary, his oriental imagination, his dressing the common and mean things of life with a poetic charm and romance, did not at once strike favorably the taste of his Yankee audiences. Webster and Everett seem to have appreciated him from the first. But he was, till he vindicated his title to be a great lawyer, rather a thorn in the flesh of Chief Justice Shaw, of whose consternation and amazement, caused by the strange figure that appeared in his court-room, many queer stories used to be told. But the young men and the people liked him.

"Non probantur haec senibus—saepe videbam cum invidentem tum etiam irascentem stomachantem Philippum—sed mirantur adulescentes multitudo movetur."

It was a curious sight to see on a jury twelve hard-headed and intelligent countrymen—farmers, town officers, trustees, men chosen by their neighbors to transact their important affairs—after an argument by some clear-headed lawyer for the defence, about some apparently not very doubtful transaction, who had brought them all to his way of thinking, and had warned them against the wiles of the charmer, when Choate rose to reply for the plaintiff—to see their look of confidence and disdain—"You needn't try your wiles upon me." The shoulder turned a little against the speaker—the averted eye—and then the change; first, the changed posture of the body; the slight opening of the mouth; then the look, first, of curiosity, and then of doubt, then of respect; the surrender of the eye to the eye of the great

advocate; then the spell, the charm, the great enchantment—till at last, jury and audience were all swept away, and followed the conqueror captive in his triumphal march.

He gesticulated with his whole body. Wendell Phillips most irreverently as well as most unjustly compared him to a monkey in convulsions. His bowings down and straightening himself again were spoken of by another critic, not unfriendly, as opening and shutting like a jack-knife. His curly black hairs seemed each to have a separate life of its own. His eyes shone like coals of fire. There is a passage of Everett's which well describes Choate, and is also one of the very best examples of Everett, who, with all his fertility of original genius, borrowed so much, and so enriched and improved everything that he borrowed. Cicero said of Antonius:

"Omnia veniebant Antonio in mentem; eaque suo quaeque loco, ubi plurimum proficere et valere possent, ut ab imperatore equites pedites levis armatura, sic ab illo in maxime opportunis orationis partibus conlocabantur."

Now see what Everett does with this thought in his eulogy, spoken in Faneuil Hall, the week after Choate's death:

"He is sometimes satisfied, in concise epigrammatic clauses, to skirmish with his light troops, and drive in the enemy's outposts. It is only on fitting occasions, when great principles are to be vindicated, and solemn truths told, when some moral or political Waterloo or Solferino is to be fought, that he puts on the entire panoply of his gorgeous rhetoric. It is then that his majestic sentences swell to the dimensions of his majestic thought; then it is that we hear afar off the awful roar of his rifled ordnance; and when he has stormed the heights, and broken the centre, and trampled the squares, and turned the staggering wings of the adversary, that he sounds his imperial clarion along the whole line of battle, and moves forward with all his hosts, in one overwhelming charge."

One of the most remarkable advocates of my day was Sidney Bartlett. He seldom addressed juries, and almost never public assemblies. He was a partner of Chief Justice Shaw before 1830. He argued cases before the Supreme Court of the United States and before the Supreme Court of Massachusetts after he was ninety. He cared for no other audience. He had a marvellous compactness of speech, and a marvellous sagacity in seeing the turning-point of a great question. He found the place where the roads diverged, got the Court's face set in the right direction, and then stopped. He would argue in ten or fifteen minutes a point where some powerful antagonist like Curtis or Choate would take hours to reply. I once told him that his method of argument was to that of ordinary lawyers like logarithms to ordinary mathematics. He seemed pleased with the compliment, and said, "Yes, I know I argue over their heads. The Chief Justice told me he wished I would talk a little longer." I do not know that Bartlett ought to be reckoned among orators. But he had a great power of convincing, and giving his intellectual delight to minds capable of appreciating his profound and inexorable logic.

Edward Everett seems to me, on the whole, our best example of the orator, pure and simple. Webster was a great statesman, a great lawyer, a great advocate, a great public teacher. To all these his matchless oratory was but an instrument and incident.

Choate was a great winner of cases, and as relaxation he gave, in the brief vacations of an overworked professional life (he once defined a lawyer's vacation as the time after he has put a question to a witness while he is waiting for an answer), a few wonderful literary and historical addresses. He gave a brief period of brilliant but most unwilling service in each House of Congress. He made some powerful political speeches to popular audiences. But his heart was always in the court-house. No gambler ever hankered for the feverish delight of the gaming table as Choate did for that absorbing game, half chance, half skill, where twelve human dice must all turn up together one way, or there be no victory.

But Everett is always the orator. He was a clergyman a little while. He was a Greek professor a little while. He was a College President a little while. He was a Minister to England a little while. He was Representative in Congress and Senator. He was Governor of the Commonwealth. In these places he did good service enough to make a high reputation for any other man. Little of these things is remembered now. He was above all things—I am tempted to say, above all men—the foremost American orator in one class.

There is one function of the orator peculiar to our country, and almost unknown elsewhere. That is the giving utterance to the emotion of the people, whether of joy or sorrow, on the occasions when its soul is deeply stirred—when some great man dies, or there is a great victory or defeat, or some notable anniversary is celebrated. This office was filled by other men, on some few occasions by Daniel Webster himself, but by no man better than by Everett. A Town, or City, or State is very human. In sorrow it must utter its cry of pain; in victory, its note of triumph. As events pass, it must pronounce its judgement. Its constant purpose must be fixed and made more steadfast by expression. It must give

voice to its love and its approbation and its condemnation. It must register the high and low water mark of its tide, its rising and its sinking in heat and cold. This office Edward Everett, for nearly fifty years, performed for Massachusetts and for the whole country. In his orations is preserved and recorded everything of the emotion of the great hours of our people's history. The camera of his delicate photography has preserved for future generations what passed in the soul of his own in the times that tried the souls of men.

I do not know where he got his exquisite elocution. He went abroad in his youth, and there were good trainers abroad, then. He must have studied thoroughly the speeches of Cicero and the Greek orators. Many casual phrases in his works, besides many quotations, show his familiarity with Cicero's writing on oratory.

If you would get some faint, far-off conception of him, first look at the best bust or picture of Everett you can find. Imagine the figure with its every movement gentle and graceful. The head and face are suggestive of Greek sculpture. This person sits on the platform with every expression discharged from the face, looking like a plaster image when the artist has just begun his model, before any character or intelligence has been put into it. You think him the only person in the audience who takes no interest whatever in what is going on, and certainly that he expects to have nothing to do with it himself. He is introduced. He comes forward quietly and gracefully. There is a slight smile of recognition of the welcoming applause. The opening sentences are spoken in a soft—I had almost said, a caressing voice, though still a little cold. I suppose it would be called a tenor voice. There was nothing in the least unmanly about Edward Everett. Yet if some woman had spoken in the same tones, you would have not thought them unwomanly.

Illa tamquam cycnea fuit divini hominis vox et oratio.

He has found somewhere in the vast storehouse of his knowledge a transaction exactly like the present, or exactly in contrast with it, or some sentiment of poet or orator which just fits the present occasion. If it be new to his audience, he adds to it a newer delight still by his matchless skill as a narrator—a skill almost the rarest of all talents among public speakers. If it be commonplace and hackneyed he makes it fresh and pleasant by giving in detail the circumstances when it was first uttered, or describes some occasion when some orator has applied it before; or calls attention to its very triteness as giving it added authority. If he wish to express his agreement with the last speaker and "say ditto to Mr. Burke," he tells you when that was said, what was the occasion, and gives you the name of Mr. Kruger, who stood for the representation of Bristol with Burke.

Mr. Everett's stores were inexhaustible. If any speaker have to get ready in a hurry for a great occasion, let him look through the index of the four volumes of Everett's speeches, and he will find matter enough, not only to stimulate his own thought and set its currents running, but to illustrate and adorn what he will say.

But pretty soon the orator rises into a higher plane. Some lofty sentiment, some stirring incident, some patriotic emotion, some play of fancy or wit comes from the brain or heart of the speaker. The audience is hushed to silence. Perhaps a little mist begins to gather in their eyes. There is now an accent of emotion in the voice, though still soft and gentle. The Greek statue begins to move. There is life in the limbs. There has been a lamp kindled somewhere behind the clear and transparent blue eyes. The flexible muscles of the face have come to life now. Still there is no jar or disorder. The touch upon the nerves of the audience is like that of a gentle nurse. The atmosphere is that of a May morning. There is no perfume but that of roses and lilies. But still, gently at first, the warmer feelings are kindled in the hearts of the speaker and hearers. The frame of the speaker is transfigured. The trembling hands are lifted high in the air. The rich, sweet voice fills the vast audience chamber with its resonant tones. At last, the bugle, the trumpet, the imperial clarion rings out full and clear, and the vast audience is transported as to another world—I had almost said to a seventh heaven. Read the welcome to Lafayette or the close of the matchless eulogy on that illustrious object of the people's love. Read the close of the oration on Washington. Read the contrast of Washington and Marlborough. Read the beautiful passage where, just before the ocean cable was laid, the rich fancy of the speaker describes—

"The thoughts that we think up here on the earth's surface in the cheerful light of day—clothing ourselves with elemental sparks, and shooting with fiery speed in a moment, in the twinkling of an eye, from hemisphere to hemisphere, far down among the uncouth monsters that wallow in the nether seas, along the wreck-paved floor, thorough the oozy dungeons of the rayless deep; the last intelligence of the crops, whose dancing tassels will in a few months be coquetting with the west wind on those boundless prairies, flashing along the slimy decks of old sunken galleons, which have been rotting for ages; messages of friendship and love, from warm, living bosoms, burn over the cold green bones of men and women, whose hearts, once as fond as ours, burst as the eternal gulfs closed and roared over them, centuries ago."

Read the passage in the eulogy on Choate where he describes him arming himself in the entire panoply of his gorgeous rhetoric—and you will get some far-away conception of the power of this magician.

One thing especially distinguishes our modern orator from the writer in the closet, where he writes solely for his readers, or where he has prepared his speeches beforehand—that is, the influence of the audience upon him. There is nothing like it as a stimulant to every faculty, not only imagination, and fancy, and reason, but especially, as every experienced speaker knows, memory also. Everything needed seems to come out from the secret storehouses of the mind, even the things that have lain there forgotten, rusting and unused. Mr. Everett describes this in a masterly passage in his *Life of Webster*. Gladstone states it in a few fine sentences:

"The work of the orator, from its very inception," he says, "is inextricably mixed up with practice. It is cast in the mould offered to him by the mind of his hearers. It is an influence principally received from his audience (so to speak) in vapor, which he pours back upon them in a flood. The sympathy and concurrence of his time is, with his own mind, joint parent of his work. He cannot follow nor frame ideals; his choice is to be what his age would have him, what it requires in order to be moved by him, or else not to be at all."

I heard six of Kossuth's very best speeches. He was a marvellous orator. He seemed to have mastered the whole vocabulary of English speech, and to have a rare gift of choosing words that accurately expressed his meaning, and he used so to fashion his sentences that they were melodious and delightful to the ear. That is one great gift of oratory, as it is of poetry, or indeed of a good prose style. Why it is that two words or phrases which mean precisely the same thing to the intellect, have so different an effect on the emotions, no man can tell. To understand it, is to know the secret not only of reaching the heart, but frequently of convincing the understanding of man.

Kossuth made a great many speeches, sometimes five or six in a day. He could have had no preparation but the few minutes which he could snatch while waiting for dinner at some house where he was a guest, or late at night, after a hard day's work. But his speeches were gems. They were beautiful in substance and in manner. He was ready for every occasion. When the speaker who welcomed him at Roxbury told him that Roxbury contained no historic spot that would interest a stranger, Kossuth at once answered, "You forget that it is the birthplace of Warren." When old Josiah Quincy, then past eighty, said at a Legislative banquet that he had come to the time—"when the keepers of the house shall tremble, and the strong men shall bow themselves, and the grinders cease because they are few, and those that look out of the windows be darkened, and they shall be afraid of that which is high, and fears shall be in the way," Kossuth interrupted him, "Ah! but that was of ordinary men."

I was a member of the Legislature when Kossuth visited Boston. I heard his address to the House and to the Senate, his reply to the Governor's welcome. I heard him again at the Legislative banquet in Faneuil Hall, and twice in Worcester—on the Common in the afternoon, and at the City Hall in the evening. I shook hands with him and perhaps exchanged a word or two, but of that I have no memory. Afterward I visited him with my wife at Turin in 1892, when he was a few months past ninety. He received me with great cordiality. I spent two hours with him and his sister, Madam Ruttkay. They both expressed great pleasure with the visit, and Madam Ruttkay kissed Mrs. Hoar affectionately when we took leave. Kossuth's beautiful English periods were as beautiful as they were forty years before, at the time of his famous pilgrimage through the United States. His whole conversation related to the destiny of his beloved Hungary. He spoke with great dignity of his own share in the public events which affected his country. There was nothing of arrogance or vanity in his claim for himself, yet in speaking of Francis Joseph, he assumed unconsciously the tone of a superior. He maintained that constitutional liberty could never be permanent where two countries with separate legislatures were under one sovereign. He said the sovereign would always be able to use the military and civil power of one to accomplish his designs against the liberty of the other. The opinion of Kossuth on such a question is entitled to the greatest deference. But I incline to the belief that, while undoubtedly there may be great truth in the opinion, the spirit of liberty will overcome that danger. Hungary and Hungary's chief city seem rapidly to be asserting control in their own affairs and an influence in the Austro-Hungary Empire which no monarch will be able to withstand, and which it is quite likely the royal family will not desire to withstand. In these days monarchs are learning the love of liberty, and I believe in most cases to-day the reigning sovereigns of Europe are eager to promote constitutional government, and prefer the title of Liberator to that of Despot.

I have heard Wendell Phillips speak a great many times. I do not include him in this notice, because, if I did, I ought to defend my estimate of him at considerable length, and to justify it by ample quotation. I think him entitled to the very highest rank as an orator. I do not estimate his moral character highly. I think he exerted very little influence on his generation, and that the influence he did

exert was in the main pernicious. I have had copied everything he said, from the time he made his first speech, so far as it is found in the newspapers, and have the volumes in which his speeches are collected. I never had occasion to complain of him on my own account. So far as I know and believe, he had the kindest feeling for me until his death, and esteemed my public service much more highly than it deserved. But he bitterly and unjustly attacked men whom I loved and honored under circumstances which make it impossible for me to believe that his conduct was consistent with common honesty. He seemed never to care for the soundness of his opinion before he uttered it, or for the truth of the fact before he said it, if only he could produce a rhetorical effect. He seemed to like to defame men whom the people loved and honored. Toward the latter part of his life, he seemed to get desperate. If he failed to make an impression by argument, he took to invective. If vinegar would not answer he resorted to cayenne pepper. If that failed, he tried to throw vitriol in the eyes of the men whom he hated. His remedy for slavery was to destroy the country, and to leave the slave to the unchecked will of the South. During Lincoln's great trial, he attacked and vilified him. At the time when nearly every household in the North was mourning for its dead, he tried to persuade the people that Lincoln did not mean to put down the Rebellion. He never gave the people wise counsel, and rarely told them the honest truth. He rarely gave his homage to anybody. When he did, it was to bad men, and not to good men.

There can be no worse influence upon the youth of the Republic than that which shall induce them to approve sentiments, not because they are true, but only because they are eloquently said.

CHAPTER XXXVI TRUSTS

I have given the best study I could to the grave evil of the accumulation in the country of vast fortunes in single hands, or of vast properties in the hands of great corporations— popularly spoken of as trusts—whose powers are wielded by one, or a few persons. This is the most important question before the American people demanding solution in the immediate future. A great many remedies have been proposed, some with sincerity and some, I am afraid, merely for partisan ends. The difficulty is increased by the fact that many of the evils caused by trusts, or apprehended from them, can only be cured by the action of the States, but cannot be reached by Congress, which can only deal with international or interstate commerce. As long ago as 1890 the people were becoming alarmed about this matter. But the evil has increased rapidly during the last twelve years. It is said that one man in this country has acquired a fortune of more than a thousand million dollars by getting an advantage over other producers or dealers in a great necessary of life in the rates at which the railroads transport his goods to market.

In 1890 a bill was passed which was called the Sherman Act, for no other reason I can think of except that Mr. Sherman had nothing to do with framing it whatever. He introduced a bill and reported it from the Finance Committee providing that whenever a trust, as it was called, dealt with an article protected by the tariff, the article should be put on the free list. This was a crude, imperfect, and unjust provision. It let in goods made abroad by a foreign trust to compete with the honest domestic manufacturer. If there happened to be an industry employing thousands or hundreds of thousands of workmen, in which thousands of millions of American capital was invested, and a few persons got up a trust—perhaps importers, for the very purpose of breaking down the American manufacturer— and made the article to a very small extent, all honest manufacturers would be deprived of their protection.

Mr. Sherman's bill found little favor with the Senate. It was referred to the Judiciary Committee of which I was then a member. I drew as an amendment the present bill which I presented to the Committee. There was a good deal of opposition to it in the Committee. Nearly every member had a plan of his own. But at last the Committee came to my view and reported the law of 1890. The House disagreed to our bill and the matter went to a Conference Committee, of which Mr. Edmunds, the Chairman of the Committee, and I, as the member of the Committee who was the author of the bill, were members. The House finally came to our view.

It was expected that the Court, in administering that law, would confine its operation to cases which are contrary to the policy of the law, treating the words "agreements in restraint of trade," as having a technical meaning, such as they are supposed to have in England. The Supreme Court of the United States went in this particular farther than was expected. In one case it held that "the bill comprehended every scheme that might be devised to restrain trade or commerce among the several States or with foreign nations." From this opinion several of the Court, including Mr. Justice Gray, dissented. It has not been carried to its full extent since, and I think will never be held to prohibit the lawful and harmless combinations which have been permitted in this country and in England without complaint, like contracts of partnership which are usually considered harmless. We thought it was best to use this general phrase which, as we thought, had an accepted and well-known meaning in the English law, and then after it had been construed by the Court, and a body of decisions had grown up

under the law, Congress would be able to make such further amendments as might be found by experience necessary.

The statute has worked very well indeed, although the Court by one majority and against the very earnest and emphatic dissent of some of its greatest lawyers, declined to give a technical meaning to the phrase, "in restraint of trade." But the operation of the statute has been healthy. The Attorney-General has recently given an account of suits in equity by which he had destroyed a good many vast combinations, including a combination of the six largest meat-packing concerns in the country; a combination of railroads which had been restrained from making any rebate or granting any preference whatever to any shipper; and a pooling arrangement between the Southern railroads which denied the right of the shippers interested in the cotton product in the South to prescribe the route over which their goods should pass. He has also brought a suit in equity to prevent the operation of a proposed merger of sundry transcontinental railroads, thereby breaking up a monopoly which affected the whole freight and passenger traffic of the Northwest.

The public uneasiness, however, still continued. The matter was very much discussed in the campaign for electing members of the House of Representatives in the autumn of 1902.

I made two or three careful speeches on the subject in Massachusetts, in which I pointed out that the existing law, in general, was likely to be sufficient. I claimed, however, further, that Congress had, in my opinion, the power of controlling the whole matter, by reason of its right to prescribe terms on which any corporation, created by State authority or its own, should engage in interstate or international commerce. It might provide as a condition for such traffic by a corporation, that its officers or members should put on file an obligation to be personally liable for the debts of the concern in case the conditions prescribed by Congress were not complied with.

The House of Representatives passed a very stringent bill known as the Littlefield Bill, which was amended by the Judiciary Committee, of which I was the Chairman, by adding the provisions of a bill which I had, myself, previously introduced, based on the suggestions above stated.

But there was a general feeling that the amendments to the existing law proposed by the Administration were all that should be made at present. These consisted in providing severe penalties for granting rebates by railroads to favored shippers; for having suits under the existing law brought forward for prompt decision, and for giving the new Department of Commerce large powers for the examination of the conduct of the business of such corporations, and to compel them to make such returns as should be thought desirable.

I should have preferred to have the bill I reported brought forward and discussed in the Senate, although there was obviously no time, with the pressure of other business, to get it through. But it was thought best by a majority of the Republicans not to take it up. Some of them thought it was likely, if passed, to have a very serious and perhaps disastrous effect on the country. So far as I know, nobody in either House of Congress or in the press has pointed out why such a result would be likely to follow.

On the whole I was very well satisfied. The interests concerned are vast. A rash or unskilful remedy might bring infinite trouble or ruin to lawful business. The work of restraining the trusts is going on very well under the law of 1890. It is a matter which must be discussed and considered by the American people for a great many years to come, and the evils from the trusts at present are rather in anticipation than in reality. So I am very well content, for the present, with what has been accomplished.

CHAPTER XXXVII RECOLLECTIONS OF THE WORCESTER BAR

The Worcester Bar, when I came to it, was much like a class of boys in college. There was rivalry and sharp practice in some cases, and roughness of speech toward each other and toward witnesses and parties. But in the main, the lawyers stood by one another and were ready to help each other in trouble, and the lawyer's best and most trustworthy friends were his associates. The Judge and the jurymen, and the lawyers from out of town used to come into Worcester and stay at the old Sykes or Thomas Tavern, opposite the court-house, and at another one known as the United States Hotel, further south. The former was kept for a good many years by an old fellow named Sykes. He was a singular-looking person—a large head, stout body, rather protuberant belly, and short curved legs and very long arms. He had large heavy eyebrows, a wide mouth and a curved nose and sallow complexion looking a good deal like the caricatures of the Jewish countenance in the comic newspapers. He had two sons who looked very much like him and seemed about as old as their father. One day the three were standing in front of his tavern when a countryman came along who undertook to stop with his load at the front door of the tavern. Sykes was standing there with his two sons, one on each side of him. He did not like to have the countryman stop his load in that spot and called out to him rather roughly, "Move along." The

fellow surveyed the group for a moment with an amused look and complied with the order, but shouted out to the old man: "Wal, this is the fust time I ever saw three Jacks of Spades in one pack."

The Court sat till six o'clock and often far into the evening, and began at half-past eight or nine. So there was no chance for the country lawyers to go home at night. There was great fun at these old taverns in the evening and at meal times. They insisted generally, like Mrs. Battles in whist, on the rigor of the game, and the lawyer had to look sharp after his pleadings or he found himself tripped up. The parties could not be witnesses, nor could any person interested in the result of the trial. So many a good case, and many a good defence failed for want of the legal evidence to make it out. But the whole Bar and the public seemed to take an interest in important trials. People came in from the country round with their covered wagons, simply for the pleasure of attending Court and seeing the champions contend with each other. The lawyers who were not engaged in the case were always ready to help those who were with advice and suggestion. It used to be expected that members of the Bar would be in the court-house hearing the trials even if they were not engaged in them. That was always an excuse for being absent from the office, and their clients sought them at the court-house for consultation. I cannot but think that the listening to the trial and argument of causes by skilful advocates was a better law school than any we have now, and that our young men, especially in the large cities, fail to become good advocates and to learn the art of putting in a case, and of examining and cross-examining witnesses, for want of a constant and faithful attendance on the courts.

In those old times, our old lawyers, if Charles Lamb had known them and should paint them, would make a set of portraits as interesting as his old Benchers of the Inner Temple. Old Calvin Willard, many years sheriff of Worcester, would have delighted Elia. He did not keep the wig or the queue or the small-clothes of our great-grandfathers, but he had their formal and ceremonial manners in perfection. It was like a great State ceremonial to meet him and shake hands with him. He paused for a moment, surveyed you carefully to be sure of the person, took a little time for reflection to be sure there was nothing in the act to compromise his dignity, and then slowly held out his hand. But the grasp was a warm one, and the ceremony and the hand-shake conveyed his cordial respect and warmth of regard. He always reminded me of the Englishman in Crabbe's "Tales" who, I think, may have been his kinsman.

The wish that Roman necks in one were found
That he who formed the wish might deal the wound,
This man had never heard. But of the kind
Is the desire which rises in his mind.
He'd have all English hands, for further he
Cannot conceive extends our charity,
All but his own, in one right hand to grow;
And then what hearty shake would he bestow.

Mr. Willard was once counsel before a magistrate in a case in which he took much interest. A rough, coarse country lawyer was on the other side. When Willard stated some legal proposition, his adversary said: "I will bet you five dollars that ain't law." "Sir," said Mr. Willard, drawing himself up to his full height, with the great solemnity of tone of which he was master: "Sir, I do not permit myself to make the laws of my country the subject of a bet."

Another of the old characters who came down to my time from the older generation was Samuel M. Burnside. He was a man of considerable wealth and lived in a generous fashion, dispensing an ample hospitality at his handsome mansion, still standing in Worcester. He was a good black-letter lawyer, though without much gift of influencing juries or arguing questions of law to the Court. He was a good Latin scholar, very fond of Horace and Virgil, and used to be on the committees to examine the students at Harvard, rather disturbing the boys with his somewhat pedantic questioning. He was very nearsighted, and, it is said, once seized the tail of a cow which passed near him in the street and hurried forward, supposing some woman had gone by and said, "Madam, you are dropping your tippet."

One of the most interesting characters among the elders of the Worcester Bar was old Rejoice Newton. He was a man of excellent judgment, wisdom, integrity and law learning enough to make him a safe guide to his clients in their important transactions. He was a most prosaic person, without sentiment, without much knowledge of literature, and absolutely without humor. He was born in Northfield near the banks of the Connecticut River and preserved to the time of his death his love of rural scenes and of farming. He had an excellent farm a mile or two out of town, where he spent all the time he could get from his professional duties. He was associated with Chief Justice Shaw in some important cases, and always thought that it was due to his recommendation that Governor Lincoln appointed the Chief Justice—a suggestion which Governor Lincoln used to repel with great indignation. The Governor was also a good farmer, especially proud of his cattle. Each of them liked to brag of their crops and especially of the produce of their respective dairies. Governor Lincoln was once discoursing

to Devens and me, in our office, of a wonderful cow of his which, beside raising an enormous calf, had produced the cream for a great quantity of butter. Mr. Devens said: "Why, that beats Major Newton's cow, that gave for months at a time some fifteen or eighteen quarts at a milking." "If Brother Newton hears of my cow," said Governor Lincoln, "he will at once double the number of quarts." The old Major was quite fond of telling stories, of which the strong points were not apt to suffer in his narration. One Fourth of July, when he had got to be an old man, he came down street and met a brother member of the Bar, who took him up into the room of the Worcester Light Infantry, a Company of which the Major's deceased son had long ago been the Captain. The members of the Company were spending the Fourth with a bowl of punch and other refreshments. The Major was introduced and was received with great cordiality, and my friend left him there. The next day my friend was going down street and met the Captain of the Light Infantry, who said: "That was a very remarkable old gentleman you brought into our room yesterday. He stayed there all the forenoon, drinking punch and telling stories. He distinctly remembered General Washington. He went home to dinner, came back after dinner, drank some more punch, and remembered Christopher Columbus."

The old Major was once addressing the Supreme Court and maintained a doctrine which did not commend itself to Chief Justice Shaw. The Chief Justice interposed: "Brother Newton, what is the use of arguing that? We have held otherwise in such a case (citing it) and again and again since." The Major paused, drew his spectacles slowly off his nose, and said to the Court with great seriousness: "May it please your Honors, I have a great respect for the opinions of this Court, except in some very gross cases."

A man by the name of Lysander Spooner, whose misfortune it was to be a good deal in advance of his age, the author of a very clever pamphlet maintaining the unconstitutionality of slavery, also published some papers attacking the authenticity of Christian miracles. In these days of Bob Ingersoll such views would be met with entire toleration, but they shocked Major Newton exceedingly, as they did most persons of his time. Spooner studied for the Bar and applied to be admitted. He was able to pass an examination. But the Major, as *amicus curiae*, addressed the Court and insisted that Spooner was not a man of proper character, and affirmed in support of his assertion that he was the author of some blasphemous attacks on Christianity. The result was that Spooner's application was denied. The Court adjourned for dinner. It was the day of the calling of the docket, and just before the Judge came in in the afternoon, the whole Bar of Worcester County were assembled, filling the room. The Major sat in a seat near one of the doors. He had dined pretty heavily, the day was hot and the Major was sleepy. He tipped back a little in his chair, his head fell back between his shoulders and his mouth opened, with his nose pointed toward the zenith. Just then Spooner came in. As he passed by the Major, the temptation was irresistible. He seized the venerable nose of the old patriarch between his thumb and finger, and gave it a vigorous twist. The Major was awakened and sprang to his feet, and in a moment realized what had happened. He was, as may be well supposed, intensely indignant. No Major in the militia could submit to such an insult. He seized his chair and hurled it at the head of the offender, but missed, and the bystanders interposed before he was able to inflict the deserved punishment.

The Major lived to a good old age. His mental faculties became somewhat impaired before he died. He had great respect for his excellent son-in-law, Colonel Wetherell, who was on Governor Andrew's staff during the War, and thought that anything which ought to be accomplished could be accomplished by the influence of the Colonel. Somebody told him during the hardest part of the war that we ought to bend all our energies to the capture of Richmond. If Richmond were to fall the rebellion would be easily put down. "You are quite right, sir," said the Major. "It ought to be done, and I will speak to Colonel Wetherell about it." But everybody who knew the worthy Major, unless it were some offender against justice, or some person against whose wrong-doing he had been the shield and protector to a client, liked the kindly, honest and sturdy old man. He was District Attorney for the district which included Worcester County—an office then and ever since held by admirable lawyers. He prided himself on the fact that he never drew an indictment which was not sustained by the Court, if it were questioned. He liked to recite his old triumphs. He especially plumed himself on his sagacity in dealing with one case which came before him. A complaint was made of a book well known at that time, the memoirs of a dissolute woman, which was full of indecency, but in which there could not be found a single, separate indecent sentence or word. The Major was at a loss for some time what to do in indicting it. If he set forth the whole book, it would give it an immortality on the records of the court which perhaps would be worse for the public morals than the original publication. Finally he averred in the indictment that the defendant had published a book so indecent that it was unfit to be spread on the records of the court. The question went up to the Supreme Court and the indictment was held good. It was difficult for the Court or the jury to find that such a book was fit to be spread on the records of the Court, and the Major secured his victory and convicted his criminal.

One of the bright young lawyers who came to the Bar a few years after I did, was Appleton Dadmun. He died of consumption after a brief but very successful career. He was the very type and embodiment

of the Yankee countryman in his excellencies and his defects and in his fashion of speech and behavior. He was a graduate of Amherst College. The only evidence I ever discovered of his classical education was his habit of using the Greek double negative in ordinary English speech. He used to employ me almost always as senior when he had a case to argue to a jury, or an important law argument in Court. He would put off the engagement until just as the case was coming on. He used to intend to try his cases himself. But his heart, at the last moment, would fail him. He was as anxious about his clients' cases as if they were his own. He was exceedingly negligent about his pleadings and negligent in the matter of being prepared with the necessary formal proofs of facts which were really not doubtful but which were put in issue by the pleadings. When I was retained my first duty was to prepare an amendment of the declaration or the answer or plea, or, perhaps, to see whether he had got the attesting witness to prove some signature. But when we had got past all that I used to find that he had prepared his evidence with reference to what was the pinch of the case of what was likely to be finally the doubtful point in the mind of court or jury with infinite sagacity and skill. I have rarely known a better judge of the effect of evidence on the mind of ordinary juries. He took his clients into his affection as if they had been his own brethren or children, and seemed always to hate to be compelled to make any charge for his services, however successful.

He had a pleasant wit. On one occasion a member of the bar named Holbrook, who was not a bad fellow, but had, like the rest of the world, some peccadilloes to repent of, came into the Court-house one morning just as the Court was coming in where the lawyers were gathered. Much excited, he said he was riding into Worcester in a chaise from the neighboring town where he spent his nights in the summer. His horse had run away and tore at a terrible rate down Main Street, swinging the chaise from one side to the other as he ran, and breaking some part of the harness and perhaps one of the shafts. But at last he had contrived to crawl out through the window behind in the chaise top and hold on to the cross-bar. Letting himself down just as the chaise had got to the extremity of its sway from one side to another, he let go and escaped without injury. But, he said, it was a terrible five minutes. Every action of his life seemed to rush through his memory with the swiftness of a torrent. "You ought to have very heavy damages, sir," said Mr. Dadmun.

Another of the brightest of the young lawyers when I came to the Bar was H. He had, however, had rather an unfortunate introduction to life. His father, who was a very wealthy and prosperous manufacturer, sent him to Yale College and supplied him liberally with money, not only for his support, but for the indulgence of every extravagant taste. Beside spending what his father allowed him, he incurred a good many debts, expecting to find no difficulty in their payment. His father failed in business with a great crash about the end of his junior year and died suddenly. He kept on, however, on credit, until he graduated and then came out with a heavy load of debt, and no resources for studying his profession. He got thorough, however, by dint of plausible manners. He was a very honest fellow in other respects, but he got the habit of incurring debts which he could not pay. Then he took to drinking hard, and finally went to New York, and died after a career of dissipation. But everybody liked him. Drunk or sober, he was the best company in the world, full of anecdote flavored with a shrewd and not ill-natured wit. There was a manufacturer in a village near Worcester who had failed in business owing large debts all about. He was a man of enormous bulk, the fattest man in the whole region round-about, weighing considerably over three hundred. He left the State to avoid his creditors, and dwelt in New York, keeping himself out of their reach. At last it was discovered by a creditor that he used to come to Worcester in the train which arrived from New York on the Western Railroad shortly before midnight Saturday, go over to his old home, which was not far off, stay there Sunday, when he was exempt from arrest, and take the cars Sunday night at about the same hour for New York. Accordingly old Jonathan Day, a veteran deputy-sheriff, armed with an execution, lay in wait for him one dark and stormy Saturday night at the little old wooden depot of the Western Railroad, some hundred or two feet from Grafton Street. The train came in, and the debtor got out. The old General laid his hands on him, and told him he was his prisoner. He protested and demurred and begged, making all manner of promises to pay the debt if the officer would not take him to jail. But Day was inexorable. Meantime the train had gone on, and the keeper of the depot had put out the lights and gone off. There was nobody left in the darkness but the officer and the debtor. "Well," said the fellow, "if you are going to take me to jail you must carry me. I won't walk." So he sat himself down on the platform. Day tried to persuade him to walk, and then tugged and tugged at his collar, but without the slightest effect. He might as well have tried to move a mountain. He waited in a good deal of perplexity, and at last he heard the rattle of wheels on Grafton Street, and gave a loud yell for assistance. The owner of the wagon came to the scene. General Day demanded his help as one of the posse comitatus. But it was as hard to the two to move the obstruction as it had been for the old General alone. So the General put the debtor in charge of his new recruit, and went off up street to see what counsel he could get in the matter. All the lights in the lawyers' offices and places of business were out except a solitary gleam which came from the office of my friend H. He was sitting up alone, soaking himself with the contents of a bottle of brandy. General Day found him sitting there and stated his case. My friend heard it through, took it into consideration, and took down and consulted the Revised Statutes and the Digest. At last he shook his

head with an air of drunken gravity and said: "I don't find any express provision anywhere for such a case. So I think we must be governed by the rule of law for the case nearest like it we can find. That seems to be the case of the attachment of personal property, such as lumber, which is too bulky to be removed. My advice to you is to put a placard on him saying he is attached, and go off and leave him till Monday morning."

When I was a young man, one summer a few years after my admission to the Bar, I took a journey on foot with Horace Gray through Berkshire County. We started from Greenfield and walked over the Hoosac Mountain to Adams and Williamstown, then over the old road to Pittsfield, then to Stockbridge, Great Barrington, and the summit of Mt. Washington, now better known as Mt. Everett or Taghsomi; thence to Bashpish Falls in New York, and to the Salisbury Lakes in Connecticut. We visited many interesting places and enjoyed what has always seemed to me the most beautiful scenery on earth.

There were one or two quite ludicrous adventures. I went alone to the top of Bald Mountain in Lenox one day. Gray had been there and preferred to visit a neighboring hilltop. As I approached the summit, which was a bare pasture, I came upon a powerful bull with a herd of cattle near him. He began to bellow and paw the ground and move toward me in angry fashion. There was no chance for any place of refuge which I could hope to gain. I looked around for some rock or instrument of defence. It was, I think, the most imminent danger to which I have ever been exposed. I was calculating my capacity for dodging the creature when suddenly a sound like a small clap of thunder was heard. The rest of the herd, which seemed quite wild, seeing the approach of a stranger, had taken alarm and started off down the hillside on a full run, their rushing and trampling causing the earth to reverberate beneath their tread and produce the sound of which I have just spoken. The old bull hearing the sound and seeing his companions departing concluded he would follow their example. He turned tail too, and retreated down the mountain side, much to my relief.

On our walk through Lanesboro we stopped at a plain country tavern to get lunch. There were several codgers such as in those days used to haunt country bar-rooms about eleven o'clock in the morning and four o'clock in the afternoon. Sitting in an old wooden chair tilted back against the wall of the room was one of them curled up with his knees sticking up higher than his head. He looked at Gray's stately proportions and called out: "How tall are you?" Gray, who was always rather careful of his dignity, made some brief answer not intended to encourage familiarity. But the fellow persisted: "I would like to measure with you." Gray concluded it was best to enter into the humor of the occasion. So he stood up against the wall. The other man proceeded to draw himself up out of the chair, and unroll, and unroll, and unroll until at last his gigantic stature reached up almost as high as Gray's. But he fell short a little. I learned, later, that it was a man named Shaw who afterward became famous as a writer and humorist under the pseudonym of Josh Billings. He was the son of Henry Shaw, formerly of Lanesboro; at that time a millionaire dwelling in New York, and known to fame as one of the two Massachusetts Representatives who voted for the Missouri Compromise in 1820. Henry Shaw was, I believe, a native of Lanesboro, and had represented the Berkshire district in Congress.

The person whom the Worcester lawyers of this time like best to remember was Peter C. Bacon. He was the Dominie Sampson of the Worcester Bar. I suppose he was the most learned man we ever had in Worcester, and probably, in Massachusetts. He was simple and guileless as a child; of a most inflexible honesty, devoted to the interest of his clients, and an enthusiastic lover of the science of the law. When, in rare cases, he thoroughly believed in the righteousness of his case, he was irresistible. But in general he was full of doubts and hesitation. He was, until he was compelled to make his arguments more compact by the rules of court limiting the time of arguments, rather tedious. He liked to go out into side-paths and to discourse of matters not material to the issue but suggested to him as he went along. He had a curious fashion of using the ancient nomenclature of the Common law where it had passed out of the knowledge even of most lawyers and the comprehension of common men. He would begin his appeal to the jury in some case where a fraud had been attempted on his client, by saying, "Gentlemen, the law abhorreth covin." He was a lawyer everywhere. His world was the Court-house and his office. I met him in the street, of a Sunday noon, one summer and said to him, "Why, Brother Bacon, you must have had a long sermon to-day."

"Oh," Mr. Bacon said, "I stayed to the Sunday-school. I have a class of young girls. It's very interesting. I've got 'em as far as the Roman Civil Law."

Mr. Bacon could seldom be made angry by any incivility to himself. But he resented any attempt to deprive a client, however much of a n'er-do-well he might be, of all the rights and forms of a legal trial. He was also much disturbed if any lawyer opposed to him misstated a principle of law, who ought, in his judgment, to know better. I was once trying a case against him and his partner, Judge Aldrich, where General Devens was my associate. Devens was summing up the case, and complaining of the conduct of some parties interested in the estate of a deceased person. One of them was a son of a deceased niece. There being no children, under our law, the nephews and nieces inherit, but not the

children of deceased nephews or nieces, when there are living nephews or nieces. General Devens, not having in his mind the legal provision at the moment, said to the jury: "The sound of the earth on the coffin of the old lady had scarcely ceased when one of these heirs hurried to the probate office to get administration." Mr. Bacon rose and interrupted him with great emotion. "He is not an heir."

"I said," Mr. Devens repeated, "one of these heirs, Mr. A. F."

Bacon burst into tears and said again, with a broken voice: "He is not an heir, I say, he is not an heir."

I saw the point and whispered to Devens: "An assumed heir."

"Very well," Devens said, "an assumed heir, if my friend likes it better." Bacon replied with a "Humph" of contentment and satisfaction, and the matter subsided. As I was walking home from the court-house with Mr. Bacon afterward I expressed my regret at the occurrence and told him that General Devens had the greatest respect for him. Mr. Bacon replied: "He had no business to say it. Aldrich told me to tell him he had not read the 'Revised Statutes.' But I would not say such a thing as that, sir, about any man."

But Brother Bacon had the kindest of hearts. It was impossible for him to bear malice or retain resentment against anybody. When I was a youngster I was once in a case where Bacon was on the other side. Charles Allen was my associate. It was a case which excited great public feeling. There were throngs of witnesses. It was tried in the middle of the terrific heats of one of the hottest summers ever known in Worcester. Allen, who had a power of stinging sarcasm which he much delighted to use, kept Bacon nervous and angry through the whole trial. At last, one afternoon, Bacon lost his patience. When the Court adjourned, he stood up on a little flight of steps on the outside of the Court-house and addressed the crowd, who were going out. He said: "Charles Allen has abused me all through this trial. He is always abusing me. He has abused me ever since I came to this Bar. I have said it before and I will say it again—*he is a curious kind of a man.*" This utterance relieved Brother Bacon's wounded feelings and he never probably thought of the matter again.

One of the great events in Bacon's life was his receiving the degree of Doctor of Laws from Brown University, where he was graduated. This gave infinite satisfaction to his brethren of the Bar, who were all very fond of him. It was at once proposed, after the old Yankee fashion in the country when a man got a new hat or a new suit of clothes, that we should all go down to T.'s to "wet" it. T. was the proprietor of a house a few miles from Worcester, famous for cooking game and trout in the season, and not famous for a strict observance of the laws against the sale of liquor. There was a good deal of feeling about that among the temperance people of the town, although it was a most excellent, properly kept house in all other respects. But the prejudice against it of the strict teetotalers had occasioned some entirely unfounded scandal about its management in other matters. Mr. Bacon, when invited by the Bar to go as a guest, accepted the invitation, but stipulated that he should have provided for him a pint bottle of English ale. He said he was opposed, on principle, to drinking intoxicating liquors, but his doctors had ordered that he should drink a pint of ale every day with his dinner. That was provided. The Bar sat down to dinner at an early hour and the fun and frolic were kept up far into the small hours of the night. Brother Bacon was the subject of every speech and of every toast. He seemed to think it was necessary for him to reply to every speaker and toast. So he was kept on his legs a great part of the night. As he sipped his modest tumbler of ale, Brother Dewey, who sat next to him, would replenish it, when Mr. Bacon was not looking, from a bottle of champagne. So at least two quart bottles of champagne were passed into the unsuspecting Brother Bacon through that single pint of beer. When we broke up, the host came to ask us how we had enjoyed ourselves, and Mr. Bacon told him he would like to know where he got his English ale, which he thought was the best he had ever tasted in his life. It is the only instance that I know of in modern times of the repetition of the miracle of the widow's cruse.

Judge Thomas, then holding the Supreme Court at Worcester, wanted very much indeed to go down with the Bar, but he thought it would not quite do. The next morning, Mr. Bacon had to try a libel for adultery between two parties living in the town where the Bar had had their supper. He had had no chance to see his witnesses, who got into town just as the Court opened. So he had to put them on and examine them at a venture. The first one he called was a grave-looking citizen. Mr. Bacon asked him a good many questions, but could get no answer which tended to help his case, and at last he said, with some impatience: "Mr. Witness, can you tell me any single fact which tends to show that his man has committed adultery?"

"Well, all I know about it, Squire Bacon," replied the witness, "is that he's been seen at Charlie T.'s"—the inn where Bacon had had his supper the night before. There was an immense roar of laughter from the Bar, led by Judge Thomas, the ring of whose laugh could have been heard half way across the

square.

Brother Bacon, though a modest and most kindly man, used to think he had a monopoly of the abstruser knowledge in regard to real property and real actions. It used sometimes to provoke him when he found a competent antagonist in cases involving such questions. There was a suit in which Bacon was for the demandant where a creditor had undertaken to levy an execution of property standing in a wife's name but claimed to have been conveyed to her in trust for the husband on consideration paid by him. In such cases, under the Massachusetts law, the land may be levied upon as the property of the debtor, notwithstanding the ostensible title is in another. The wife contested the facts. But after the bringing of the suit, the wife died, and the husband by her death became tenant by the courtesy. Of course his title as tenant by the courtesy was unaffected by the previous levy, and his wife's right to contest the demand devolved upon him. The husband and wife had both been made parties defendant to the suit under the Massachusetts practice. It would not do to let the creditor get judgment. Under the advice of Mr. Nelson, afterward Judge, one of the most learned and careful lawyers, the defendant pleaded a special non-tenure, and the case was reported to the full bench of the Supreme Court, where Mr. Bacon was employed for the plaintiff. The report inaccurately said that the defendant filed a disclaimer. Mr. Bacon made a very learned argument to show that upon the facts the disclaimer could not be supported, and was going on swimmingly, under full sail. Mr. Bacon said in his argument: "If he had pleaded non-tenure, I admit, your Honors, he would have been pretty well off." Whereupon Judge Hoar sent for the original papers, and looking at them read the plea, and said: "Isn't that a plea of non-tenure?" Mr. Bacon was obliged to admit that it was. The Chief Justice said: "Well, then, the tenant is in the condition which you describe as being pretty well off, isn't he, Brother Bacon?" Bacon answered with an angry and impatient "Humph." The Chief Justice said: "Are there any other objections to the plea, Brother Bacon?" "More than forty, your Honor," replied Bacon indignantly, "which I should state to you at a proper time." The Chief Justice said that that seemed to be the proper time. But Mr. Bacon sat down in high dudgeon, without further remark.

He was the kindest of men, both to man and beast. I once was at a country tavern where Bacon and I were to dine. It was about the time of the session of the Supreme Court. I was sitting on the veranda of the hotel waiting for dinner to be ready, in the summer afternoon. Mr. Bacon took a little walk, and as he came along and was passing the porch, a puppy ran after him, came up behind, and seized his pantaloons in his teeth, making quite a rent in them. Bacon looked round and saw the mischief, and shook his finger at the poor dog. I am sure he had no idea that anybody of the human species was within hearing. The animal crouched down in great terror, expecting a beating. Mr. Bacon paused a moment with his uplifted finger, and addressed the cur. "Why do you try to bite me? Why do you tear my pantaloons? Do you think I can go through the Supreme Court without pantaloons?" With that he left the poor dog to the reproaches of his own conscience and took no further notice of the transaction.

I ought perhaps, as I have told this story at Brother Bacon's expense, to tell one at my own where he came out decidedly ahead. We were opposed in a real estate case where the other evidence of the title was pretty strong Bacon's way, but the ancient bounds seemed to agree with my client's theory. I addressed the jury with all the earnestness in my power in favor of the importance of maintaining the ancient landmarks, quoting the curse of the Scripture on him that removed them, and endeavored to make them see how much of the safety and security of property depended on sticking to them in spite of any amount of fallible human testimony. I thought I had made a good impression. When Brother Bacon came to reply, he told the jury about the Roman god Terminus who watched over boundaries, and after quite an eloquent description, he told the jury: "Brother Hoar always seems to me when he makes this argument, which I have heard a good many times before, to think he is the god Terminus, and that the protection of all our modern landmarks is in his exclusive province." The jury were very much amused. I have forgotten how the case was decided. But I should doubtless remember if it had been decided in my favor.

Quite late in life some of Mr. Bacon's clients, seeing that he was out of health, and grateful for his long, faithful and poorly paid service, made an arrangement to send him on a journey to Europe. He was gone a little more than a year, visiting England, France, Italy and Spain, and returning with new vigor for another ten years of hard work. His interest in Europe had come chiefly from the literature which he had read in his younger days. He was not very familiar with much English prose or poetry later than the time of Addison. In one of his first letters in London he announced with great satisfaction, "I have a room not far from the celebrated Westminster Abbey mentioned in the *Spectator*."

But Brother Bacon ought not to be remembered alone, or chiefly, for his eccentricities. He was a profound, accurate and able jurist. The great interests of clients were safe with him. To him the profession of the lawyer was a sacred office. I never think of him without recalling Cicero's beautiful description in the "De Oratore" of the old age of the great lawyer:

Quit est enim praeclarius quam honoribus et republicae muneribus perfunctum senem posee suo jure dicere id quot apud Enium dicit ille Pythias Apollo, se esse eum, unde sibi, si no populi et reges, at onmnes sui cives consilium expetant;

suarum rerum incerti quos ego ope mea ex incertis certos compotesque consili dimitto ut ne res temere tractent turbidas.

Est enim sine dubio domus jurisconsulti totius oraculum civitatis.

Mr. Bacon lived to celebrate his golden wedding, and ended a stainless and honored life in a ripe old age, mourned by the whole community, of which he had been a pillar and an ornament. His portrait hangs in the Court House where he would have loved best to be remembered.

In my early days at the Worcester Bar there were a good many bright men, young and old, who had their offices in the country towns, but who tried a good many cases before juries. All the courts for the county in those days were held in Worcester. Among these country lawyers was old Nat Wood of Fitchburg, now a fine city; then a thriving country town. Mr. Wood had a great gift of story-telling, and he understood very well the character and ways of country farmers. He used to come down from Fitchburg at the beginning of the week, stop at the old Sykes Tavern where the jurymen and witnesses put up, spend the evening in the bar-room getting acquainted with the jurymen and telling them stories. So when he had a case to try, he was apt to have a very friendly tribunal. His enemies used to say that he always contrived to sleep with one jurymen himself, and have his client sleep with another, when he had a case coming on. He was quite irritable and hasty, and would sometimes break out with great indignation at some fancied impropriety of the other side, without fully understanding what was going on. I was once examining a witness who had led rather a roving and vagabond life. I asked him where he had lived and he named seven different towns in each of which he had dwelt within a very short time. I observed: "Seven mighty cities claimed great Homer dead." Wood instantly sprang to his feet with great indignation. "Brother Hoar, I wish you would not put words into the witness's mouth."

Wood was a native of Stirling, a thinly settled country town near the foot of Mount Wachusett. The people of that town were nearly equally divided between the Unitarian and Universalist congregations. Each had its meeting house fronting on the public common or Green, as it was called. In the summer the farmers would come to meeting from distant parts of the town, bringing luncheon with them; have a short intermission after the morning service, and then have a second service in the afternoon. During the recess, in pleasant summer weather, the men of the two congregations would gather together on the Green, discussing the news of the town, and very often getting into theological controversies. In the winter, they gathered in the tavern or post-office in the same way. There was one Universalist champion who told the gathering that he would make any man admit the truth of Universalism in five minutes. He was a well known and doughty champion, and the Unitarians were rather loth to tackle him. But, one Sunday, Lawyer Wood came home to spend the day at his birthplace, and the Unitarians thought it was a good chance to encounter the Universalist champion. So they accepted his challenge and put Wood forward to meet him.

The Universalist theologian began: "You'll admit there is a God?"

"No, I'll be damned if I do," replied Wood.

The fellow was completely non-plussed. He had got to take up his five minutes in compelling Wood to admit the existence of a Creator. So he was obliged to retire from the field discomfited.

Another of our leaders at the Bar was Henry Chapin. He had made his way from a rather humble place in life to be one of the leaders of a very able Bar, Mayor of Worcester, and to hold a place of large influence in the various business, social, charitable and religious activities of the community. He was not specially learned, specially profound or specially eloquent. But he had a rare gift of seizing upon the thought which was uppermost in the minds of excellent and sensible men, country farmers, skilled workmen in the shops, business men, expressing it in a clear and vigorous way, always agreeing with the best sentiment of the people. This, with an unfailing courtesy and pleasant humor and integrity of character and life gave him great popularity. He was exceedingly happy in short speeches at dinners or at political meetings. He had a fund of entertaining anecdote which never seemed to fail. He was very careful not to seem dogmatic, or to assert himself too strongly. He would put forward his opinion with saying, "It strikes my mind," or "It has occurred to me," or "I thought perhaps it was possible," or "It is my impression." I remember once protesting before old Judge Byington against some objection which the counsel on the other side had made to a witness testifying to his impressions. I told the Judge that Brother Chapin never in his life stated anything more strongly. If you asked him if he were married, he would say it was his impression he was. The Judge said: "Well, we have a lawyer in Berkshire County who has the same habit. Only if you ask him if he is married it is his impression he isn't."

It is said that when he went to see the Siamese Twins, he observed to the exhibitor, "Brothers, I suppose." But I believe that story had been told before of one of the Royal Dukes.

Mr. Chapin was nominated by the Republicans for Congress and accepted and would have had a useful and distinguished public life. But he became alarmed by the opposition of the Know- Nothings and withdrew from the canvass much to the dissatisfaction of his political friends. That ended his political aspirations. But he was soon after appointed to the more congenial office of Judge of Probate, which he discharged to great public satisfaction until his lamented death.

CHAPTER XXXVIII SOME JUDGES I HAVE KNOWN

Unquestionably the most important character in the legal history of Massachusetts is Chief Justice Lemuel Shaw. He was a great lawyer before he came to the Bench. He had written one or two very able articles for the *North American Review*, one of them a vigorous statement of the opinion of Massachusetts upon slavery. He was the author of a petition signed by many of the leading men of Massachusetts in opposition to the high tariff of 1828. No more powerful statement of the argument against high protection can be found. I have been surprised that the modern free-traders have not long ago discovered it, and brought it to light. He was one of the managers of the impeachment of Judge Prescott, securing a conviction against a powerful array of counsel for the defendant, which included Daniel Webster. He was consulted in difficult and important matters by eminent counsel in other counties than Suffolk.

But all these titles to distinction have been forgotten in his great service as Chief Justice of Massachusetts for thirty years. No other judicial fame in the country can rival his, with the single exception of Marshall. He was induced to undertake the office of Chief Justice very reluctantly, by the strong personal urgency of Mr. Webster. Mr. Webster used to give a humorous account of the difficulty he had in overcoming the morbid scruples of the great simple-hearted intellectual giant. He found Mr. Shaw in his office in a cloud of tobacco-smoke. Mr. Webster did not himself smoke, and was at some disadvantage during the interview for that reason.

Mr. Shaw was rather short in stature and, in the latter part of his life, somewhat corpulent. He had a massive head, a low forehead, and strong and rather coarse features. He reminded you of the statues of Gog and Magog in the Guildhall in London. His hair came down over his forehead, and when he had been away from home for a week or two, so that his head got no combing but his own, it was in a sadly tangled mass. His eye was dull, except when it kindled in discussion, or when he was stirred to some utterance of grave displeasure.

There is an anecdote of Mr. Choate which occasionally goes the rounds of the papers, and which is often repeated quite inaccurately. The true version is this. I heard it within a few hours after it happened, and have heard it at first hand more than once since.

Mr. Choate was sitting next to Judge Hoar in the bar when the Chief Justice was presiding, and the Suffolk docket was being called. The Chief Justice said something which led Mr. Choate to make a half-humorous and half-displeased remark about Shaw's roughness of look and manner, to which Judge Hoar replied: "After all, I feel a reverence for the old Chief Justice."

"A reverence for him, my dear fellow?" said Choate. "So do I. I bow down to him as the wild Indian does before his wooden idol. I know he's ugly; but I bow to a superior intelligence."

Judge Shaw's mind moved very slowly. When a case was argued, it took him a good while to get the statement of facts into his mind. It was hard for him to deal readily with unimportant matters, or with things which, to other people, were matters of course. If the simplest motion were made, he had to unlimber the heavy artillery of his mind, go down to the roots of the question, consider the matter in all possible relations, and deal with it as if he were besieging a fortress. When he was intent upon a subject, he was exceedingly impatient of anything that interrupted the current of his thought. So he was a hard person for young advocates, or for any other unless he were strong, self-possessed, and had the respect of the Judge. My old friend and partner, Judge Washburn, once told me that he dreaded the Law term of the Court as it approached, and sometimes felt that he would rather lay his head down on the rail, and let a train of cars pass over it, than argue a case before Shaw. The old man was probably unconscious of this failing. He had the kindest heart in the world, was extremely fond of little children and beautiful young women, and especially desirous to care for the rights of persons who were feeble and defenceless.

I was myself counsel before him in a case where the question was whether a heifer calf, worth six or seven dollars, the offspring of the one cow which our law reserves to a poor debtor against attachment, was also exempt. My opponent undertook to make some merriment about the question, and there was

some laughter at the Bar. The old Chief Justice interposed with great emotion: "Gentlemen, remember that this is a matter of great interest to a great many poor families." There was no laughter after that, and that heifer calf did duty in many a trial afterward, when the young advocates at the Worcester Bar had some poor client to defend.

The Chief Justice had not the slightest sense of humor. When old Judge Wilde, the great real property Judge, died after an illustrious judicial service of thirty-five years, somebody showed Chief Justice Shaw a register published in Boston which recorded his death, "Died in Boston, the Honorable Samuel S. Wilde, aged eighty, many years Justice of the Peace." It was passed up to the Bench. The old Chief Justice looked at it, read it over again, and said "What publication is this?"

In the old days, when the lawyers and Judges spent the evenings of Court week at the taverns on the Circuit, the Chief Justice liked to get a company of lawyers about him and discourse to them. He was very well informed, indeed, on a great variety of matters, and his talk was very interesting and full of instruction. But there was no fun in it. One evening he was discoursing in his ponderous way about the vitality of seed. He said: "I understand that they found some seed of wheat in one of the pyramids of Egypt, wrapped up in a mummy- case, where it had been probably some four thousand years at least, carried it over to England last year and planted it, and it came up and they had a very good crop."

"Of mummies, sir?" inquired old Josiah Adams, a waggish member of the Bar.

"No, Mr. Adams," replied the Chief Justice, with a tone of reproof, and with great seriousness. "No, Mr. Adams, not mummies—wheat."

Adams retired from the circle in great discomfiture. He inquired of one of the other lawyers, afterward, if he supposed that the Chief Justice really believed that he thought the seed had produced mummies, and was told by his friend that he did not think there was the slightest doubt of it.

Chief Justice Shaw, though very rough in his manner was exceedingly considerate of the rights of poor and friendless persons. Sometimes persons unacquainted with the ways of the world would desire to make their own arguments, or would in some way interrupt the business of the court. The Chief Justice commonly treated them with great consideration. One amusing incident happened quite late in his life. A rather dissipated lawyer who had a case approaching on the docket, one day told his office-boy to "Go over to the Supreme Court and see what in hell they are doing." The Court were hearing a very important case in which Mr. Choate was on one side and Mr. Curtis on the other. The Bar and the Court-Room were crowded with listeners. As Mr. Curtis was in the midst of his argument, the eye of the Chief Justice caught sight of a young urchin, ten or eleven years old, with yellow trousers stuffed into his boots, and with his cap on one side of his head, gazing intently up at him. He said, "Stop a moment, Mr. Curtis." Mr. Curtis stopped, and there was a profound silence as the audience saw the audacious little fellow standing entirely unconcerned. "What do you want, my boy?" said the Chief Justice. "Mr. P. told me to come over here and see what in hell you was up to," was the reply. There was a dive at the unhappy youth by three or four of the deputies in attendance, and a roar of laughter from the audience. The boy was ejected. But the gravity of the old Chief Justice was not disturbed.

He had a curiously awkward motion, especially in moving about a parlor in social gatherings, or walking in the street. I once pointed out to a friend a ludicrous resemblance between his countenance and expression and that of one of the tortoises in the illustrations of one of Agassiz's works on natural history. To which my friend replied: "It is the tortoise on which the elephant stands that bears up the foundations of the world," alluding to the Hindoo mythology.

Chief Justice Shaw's opinions, as we have them in the reports, are exceedingly diffuse. That practice would not answer for a generation which has to consult the reports of forty-five States and of the Supreme Court and nine judicial circuits of the United States, besides the reports of the decisions of some of the District Judges, and in most cases the English decisions. But it would be a great public loss if any of Chief Justice Shaw's utterances were omitted. His impulse, when a question was argued before him, was to write a treatise on the subject. So his decisions in cases where the questions raised are narrow and unimportant are often most valuable contributions to jurisprudence. He seldom passed over any point or suggestion without remark. He went to the bottom of the case with great patience and incredible industry. The counsel who lost his case felt not only that he had had the opinion of a great and just magistrate, but that every consideration he could urge for his client was respectfully treated and either yielded to or answered. Some of his ablest and most far-reaching decisions were written after he was eighty years old.

He possessed, beyond any other American Judge, save Marshall, what may be termed the statesmanship of jurisprudence. He never undertook to make law upon the Bench, but he perceived with a far-sighted vision what rule of law was likely to operate beneficially or hurtfully to the Republic. He was watchful to lay down no doctrine which would not stand this test. His great judgments stand

among our great securities, like the provisions of the Bill of Rights.

The Chief Justice was a tower of strength to the Massachusetts judiciary. But for him it is not unlikely that the State would have adopted an elective judiciary or a tenure limited to a term of years. But the whole people felt that his great integrity and wisdom gave an added security to every man's life, liberty, and property. So the proposition to limit the judicial tenure, although espoused by the two parties who together made up a large majority of the people of the State, was defeated when it was submitted to a popular vote. It is, however, a little remarkable that in the neighboring State of Vermont, for many years the Judges of the Supreme Court were annually elected by the Legislature, a system which, I believe, has worked on the whole to their satisfaction. They have had an able judiciary. It is said that old Chief Justice Shaw was one evening discoursing at a meeting of the Boston Law Club to an eminent Vermont Judge, who was a guest. He said, "With your brief judicial tenure, sir—" The Vermonter interrupted him and said, "Why, our tenure of office is longer than yours." "What do you mean?" said the Chief Justice. "I do not understand you." "Why," was the reply, "our Judges are elected for a year, and you are appointed as long as you behave yourselves."

Chief Justice Shaw is said to have been a very dull child. The earliest indication of his gift of the masterly and unerring judgment which discerned the truth and reason of things was, however, noticed when he was a very small boy. His mother one day had a company at tea. Some hot buttered toast was on the table. When it was passed to little Lemuel he pulled out the bottom slice, which was kept hot by the hot plate beneath and the pile of toast above. His mother reproached him quite sharply. "You must not do that, Lemuel. Suppose everybody were to do that?" "Then everybody would get a bottom slice," answered the wise urchin.

Judge Shaw had the sturdy spirit and temper of the old seafaring people of Cape Cod, among whom he was born and bred. He was fond of stories of the sea and of ships. He liked to hear of bold and adventurous voyages. Judge Gray used to tell the story of the old Chief's standing with his back to the fire, with his coat-tails under his arm, in the Judges' room at the Suffolk Court-House, one cold winter morning, when the news of the fate of Sir John Franklin's expedition or the story of some other Arctic tragedy had just reached Boston and was in the morning papers.

"I hope, sir," said Judge Bigelow, "that there will be no more of these voyages to discover the North Pole."

"I want 'em to find that open Polar sea, sir," said Shaw.

"But don't you think," said Judge Bigelow, "that it is too bad to risk so many human lives, and to compel the sailors to encounter the terrible suffering and danger of these Arctic voyages?"

"I think they'll find it yet, sir," was all the reply Bigelow could get.

Judge Shaw, in his latter days, was revered by the people of Massachusetts as if he were a demi-god. But in his native county of Barnstable he was revered as a God. One winter, when the Supreme Court held a special session at Barnstable for the trial of a capital case, Judge Merrick, who was one of the Judges, came out of the Court-house just at nightfall, when the whole surface of the earth was covered with ice and slush, slipped and fell heavily, breaking three of his ribs. He was taken up and carried to his room at the hotel, and lay on the sofa waiting for the doctor to come. While the Judge lay, groaning and in agony, the old janitor of the court-house, who had helped pick him up, wiped off the wet from his clothes and said to him, "Judge Merrick, how thankful you must be it was not the Chief Justice!" Poor Merrick could not help laughing, though his broken ribs were lacerating his flesh.

Next to Chief Justice Shaw in public esteem, when I came to the Bar in December, 1849, was Mr. Justice Wilde. He was nearly eighty years old, and began to show some signs of failing powers. But those signs do not appear in his recorded opinions. He was a type of the old common-lawyer in appearance and manner and character. He would have been a fit associate for Lord Coke, and would never have given way to him. I suppose he was never excelled as a real-property lawyer in this country. He had the antiquated pronunciation of the last century, a venerable gray head and wrinkled countenance, with heavy gray eyebrows. He seemed to the general public to be nothing but a walking abridgment. Still, he was a very well-informed man, and had represented a district of what is now the State of Maine in Congress with great distinction. A friend of mine went rather late to church at King's Chapel one Sunday when the congregation had got some way in the service, and was shown into the pew immediately in front of old Judge Wilde. The Judge was just uttering in a distinct, clear tone, "Lord, teach me Thy statoots." It was the only petition he needed to have granted to make him a complete Judge. Of the Lord's common law he was a thorough master.

He was no respecter of persons. He delivered his judgments with an unmoved air, as if he had footed up a column of figures and were announcing the result. When I was in the Law School, Mr. Webster

was retained to argue an important real estate case before Judge Wilde in Suffolk County. Mr. Webster was making what would have been a powerful argument on a question of land-title but for a statute passed since the days of his constant practice, which had not come to his knowledge. There was a great audience, and when Mr. Webster had got his point fairly stated, he was interrupted by Wilde. "Pooh, pooh, Mr. Webster." The Judge pointed out that Webster had overlooked one link in the chain of his antagonist's title.

"But," said Mr. Webster in reply, "the descent tolls the entry."

"That rule is abolished by the statute, sir."

"Why didn't you tell me that?" said Webster angrily to his junior.

Another of our great old Judges was Judge Fletcher. He had had a great practice as an advocate in Boston, especially as a commercial lawyer. He had a great power of clear statement. He brought out his utterances in a queer, jerking fashion, protruding his lips a little as he hesitated at the beginning of his sentences. But he knew how to convey his meaning to the apprehension of Courts and juries. He left the Bench less than two years after I came to the Bar. I never had but one important case before him. He was a bachelor. He was very interesting in conversation, liked the company of young men, who never left him without carrying away some delightful anecdote or shrewd and pithy observation.

A lawyer from the country told me one day that he had just been in Fletcher's office to get his opinion. While he was in the office, old Ebenezer Francis, a man said to be worth \$8,000,000, then the richest man in New England, came to consult him about a small claim against some neighbor. Fletcher interrupted his consultation with my friend and listened to Mr. Francis's story. In those days, parties could not be witnesses in their own cases. Fletcher advised his client that although he had an excellent case, the evidence at his command was not sufficient to prove it, and advised against bringing an action. Francis, who was quite avaricious, left the office with a heavy heart. When he had gone, Fletcher turned to my friend and said: "Isn't it pitiful, sir, to see an old critter, wandering about our streets, destitute of proof?"

But the most interesting and racy character among our old Judges was Theron Metcalf. He used to say of himself—a saying that did him great injustice—that he was taken to fill a gap in the Court as people take an old hat to stop a broken window. He undervalued his own capacity. He was not a good Judge to preside at jury trials. He had queer and eccentric notions of what the case was all about, and while he would state a principle of law with extraordinary precision and accuracy he had not the gift of making practical application of the law to existing facts. So a great many of his rulings were set aside, and it did not seem, when he had held a long term of Court, that a great deal had been accomplished. But he was a very learned common-lawyer. His memory was a complete digest of the decisions down to his time. He comprehended with marvellous clearness the precise extent to which any adjudged case went, and would state its doctrine with mathematical precision.

He hated statutes. He was specially indignant at the abolition of special pleading. He sent word to me, when I was Chairman of the Judiciary Committee in the Massachusetts Senate, asking to have a provision enacted for simplifying the process of bringing before the full Bench for revision the proceedings in habeas corpus, or mandamus, or certiorari, or some other special writ, I forget now what. I called upon him at once, and pointed out to him that exactly what he wanted was accomplished by the Practice Act of 1852. This was the statute under which all our legal proceedings in cases affecting personal property were had. Metcalf said, with great disgust: "I have said, sir, that if they did not repeal that thing I would not read it."

He used to enliven his judgments with remarks showing a good deal of shrewd wisdom. In one case a man was indicted for advertising a show without a license. The defendant insisted that the indictment was insufficient because it set out merely what the show purported to be, and not what it really was. On which the Judge remarked: "The indictment sets out all that is necessary, and, indeed, all that is safe. The show often falls short of the promise in the show-bill."

There was once a case before him for a field-driver who had impounded cattle under the old Massachusetts law. The case took a good many days to try, and innumerable subtle questions were raised. The Judge began his charge to the jury: "Gentlemen of the jury, a man who takes up a cow straying in a highway is a fool."

Another time there was a contest as to the value of some personal property which had been sold at auction. One side claimed that the auction-sale was a fair test of the value. The other claimed that property that was sold at auction was generally sold at a sacrifice. Metcalf said to the jury: "According to my observation, things generally bring at auction all they are worth, except carpets."

I once tried a case before him against the Norwich Railroad for setting fire to the house of a farmer by a spark from a locomotive. It was a warm summer afternoon when the house was burnt up. There was no fire in the house except a few coals among the ashes in a cooking stove where the dinner had been cooked some hours before. The railroad was very near the house. There was a steep up-grade, so that the engineers were tempted to open the bonnet of their smokestacks for a better draught. We called as a witness a sturdy, round-faced, fat old woman, who testified that she was sitting at her window, knitting, in a house some little distance away, when the train went by. She put in a mark to see, as she expressed it, "how many times round" she could knit before supper. A few minutes after, she heard a cry of fire, and looked out and saw a blaze on the roof of her neighbor's house, just kindling, close to the eaves on the side where the engine had passed. She threw down the stocking and went to help. The stocking was found after the fire with the mark just as she left it. So we claimed that we could tell pretty well how long the time had been between the passing of the train and the breaking out of the fire. Judge Metcalf, who was always fussy and interfering, said: "How can we tell anything by that, unless we know how large the stocking was?" The old lady, with a most bland smile, turned to the Judge as if she were soothing an infant, lifted up the hem of her petticoats, and exhibited a very sturdy ankle and calf, and said, "Just the size I wear, your Honor." There was a roar of laughter in the court-house. The incident was published in the morning paper the next day, much to the Judge's indignation. He addressed the audience when he came into Court in the morning, and said: "I see the Worcester *Spy* has been trying to put a fool's cap on my head."

Judge Metcalf told me this story about Chief Justice Parsons. The Chief Justice's manner to the Bar, as is well-known, was exceedingly rough. He was no respecter of persons, and treated the old and eminent lawyers quite as harshly as the youngsters. The Bar used to call him Ursa Major. The Chief Justice used to look over the pleadings carefully before the trials began. It was in the time when special pleading often brought the issue to be decided into a narrow compass. Soon after the case was begun, the Judge would take the case out of the hands of the counsel and examine the witnesses himself, and give an opinion which was likely to be implicitly followed by the jury. Jabez Upham, of Brookfield, in Worcester County, Mr. Justice Gray's grandfather, once sent his office-boy to Court with a green bag containing his papers, thinking there was no use in going himself. At last the leading members of the Bar in Boston got very angry, and four or five of them agreed together to teach the old Chief a lesson. So they sat down to a trial in the Supreme Court where Parsons was presiding. Pretty soon he interfered with the lawyer who was putting in the case for the plaintiff, in his rough way. The lawyer rose and said: "I cannot take care of my client's rights where my own are not respected," or something to that effect. "I will ask Brother Sullivan to take my place." Sullivan, who was possessed of the case, took the place. The trial went on a little while, when something happened which offended Sullivan. He rose and said he could not go on with the case after his Honor's remark, and would ask Brother So-and-So, perhaps Otis, to take his place. This happened three or four times in succession. The Chief Justice saw the point and adjourned the Court very early for the noon recess, and went to the house of his colleague, Judge Sewall, who lived out somewhere on the Neck, called him out and said: "You must go down and hold that Court. There is a *con_spire_acy* sir." Parsons never held a *nisi-prius* term in Suffolk again.

Chief Justice Shaw used to tell with great indignation the story of his first appearance before Parsons, when a young man. There was a very interesting question of the law of real property, and Samuel Dexter, then the head of the Bar, was on the other side. Parsons was interested in the question as soon as it was stated, and entered into a discussion with Dexter in which they both got earnestly engaged. The Chief Justice intimated his opinion very strongly and was just deciding it in Dexter's favor, when the existence of the young man on the other side occurred to him. He looked over the bar at Shaw and said: "Well, young man, do you think you can aid the Court any in this matter?" "I think I can, sir," said Shaw with spirit. Parsons listened to him, but, I believe, remained of his first opinion.

Judge Metcalf in the time when he was upon the Bench had the credit, I do not know how well deserved it was, of not being much given to hospitality. He was never covetous, and he was very fond of society and conversation. But I fancy he had some fashions of his own in housekeeping which he thought were not quite up to the ways of modern life. At any rate, he was, so far as I know, never known to invite any of his brethren upon the Bench or of the Bar to visit him at his house, with one exception. One of the Judges told me that after a hard day's work in court the Judges sat in consultation till between nine and ten o'clock in the evening, and he walked away from the Court-House with Judge Metcalf. The Judge went along with him past the Tremont House, where my informant was staying. As they walked up School Street, he said: "Why, Judge Metcalf, I didn't know you went this way. I thought you lived out on the Neck somewhere." "No, sir," said Judge Metcalf, "I live at number so-and-so Charles Street, and I will say to you what I heard a man say the first night I moved into my present house. I heard a great noise in the street after midnight, and got up and put my head out of the window. There was a man lying down on the sidewalk struggling, and another man, who seemed to be a policeman, was on top of him holding him down. The fellow with his back to the ground said: 'Let me

get up, — d— you,' The policeman answered: 'I sha'n't let you get up till you tell me what your name is and where you live.' The fellow answered, 'My name is Jerry Mahoney, — d— you, and I live at No. 54 Cambridge Street, — d— you, where I'd be happy to see you, — d— you, if you dare to call.' That was the only instance known to his judicial brothers of Judge Metcalf's inviting a friend to visit him.

Judge Metcalf's legal opinions will read, I think, in the future, as well as those of any Judge of his time. They are brief, compact, written in excellent English, and precisely fit the case before him without any extraneous or superfluous matter. He would have been a very great Judge, indeed, if his capacity for the conduct of jury trials and dealing with *nisi-prius* business in general had equalled his ability to write opinions on abstract questions.

John Davis was never a Judge. But a few words about him may well find a place here. He had long since withdrawn from the practice of law when I came to Worcester. He remained in the Senate of the United States until March 4, 1853. But the traditions of his great power with juries remained. I was once or twice a guest in his house, and once or twice heard him make political speeches.

My father, who had encountered all the great advocates of his time in New England—Webster, Choate, Jeremiah Mason, Dexter— used to say that John Davis was the toughest antagonist he ever encountered. Mr. Davis had no graces of oratory or person. He was not without a certain awkward dignity. His head was covered with thick and rather coarse white hair. He reminded you a little, in look and movement, of a great white bear. But he had a gift of driving his point home to the apprehension of juries and of the people which was rarely equalled. He was a man of few words and infrequent speech, without wit or imagination. He thoroughly mastered the subjects with which he dealt. When he had inserted his wedge, he drove it home with a few sledge-hammer blows. It was commonly impossible for anybody to extract it. It was only the great weight of his authority, and the importance of the matters with which he dealt, which kept him from seeming exceedingly tedious. I remember thinking when I heard him make a speech in behalf of General Scott in the City Hall, in the autumn of 1852, that if any man but John Davis were talking the audience could not be kept awake. He spoke very slowly, with the tone and manner of an ordinary conversation. "The Whigs, fellow- citizens, have presented for your suffrages this year, for the office of President of the United States, the name of Major-General Winfield Scott. I know General Scott. I have had good opportunity to acquaint myself with his character and public service. I think you may give him your confidence, gentlemen." That was pretty much the whole speech. At any rate, there was nothing more exciting in it. But it was John Davis that said it, and it had great effect upon his audience.

Mr. Davis supported General Taylor for President in 1848, thereby, on the one hand, offending Mr. Webster, with whom his relations had for some time been exceedingly strained, and the anti-slavery men in Massachusetts on the other. It was understood also that he had displeased Governor Lincoln at the time of his election to the Senate, Governor Lincoln thinking that Mr. Davis had taken an undue advantage of his official influence as Governor to promote his own selection. But the two united in the support of General Taylor, which led Charles Allen to quote a verse which has been more than once applied in the same way since, "And in that day Pilate and Herod were made friends together."

Mr. Davis was a careful and prudent manager of money matters, and left what was, for his time, a considerable estate, considering the fact that so much of his life had been passed in the public service. His success in public life was, doubtless, in large measure, increased by his accomplished and admirable wife, the sister of George Bancroft. She was a lady of simple dignity, great intelligence, great benevolence and kindness of heart. Her conversation was always most delightful, especially in her old age, when her mind was full of the treasures of her long experience and companionship with famous persons. Mr. Davis left five sons, all of them men of ability. The eldest has been Minister to Berlin, Assistant Secretary of State, Secretary of Legation in London, Judge of the Court of Claims, and Reporter of the decisions of the Supreme Court of the United States. Another son, Horace, has been a member of Congress, eminent in the public life of California, and, I believe, president of the University of California.

John Davis won great distinction by a very powerful speech on the tariff question in reply to James Buchanan. Buchanan was one of the most powerful Democratic leaders in the Senate, but Davis was thought by the Whigs to have got much the better of him in the debate. It was generally expected that he would be the Whig candidate for the Vice-Presidency in 1840. But another arrangement was made, for reasons which may be as well told here. The Whig Convention to nominate a President was held at Harrisburg, Pa., in December 4, 1839, nearly a year before the election. The delegates from the different States were asked to consult together and agree upon their first choice. Then they were asked to say whom they thought next to the person they selected would be the strongest candidate. When the result was ascertained, it was discovered that William Henry Harrison was thought by a very large majority of the Convention to be the strongest candidate they could find. He was accordingly selected as the Whig standard-bearer. A committee of one person from each State was then chosen to propose

to the Convention a candidate for Vice-President. Benjamin Watkins Leigh, of Virginia, was a strong supporter of Henry Clay, a man of great personal worth, highly esteemed throughout the country. The Convention adjourned, and came in after the adjournment to hear the report of the committee. Mr. Leigh accosted the Chairman of the committee and stood with him in a conspicuous place as the delegates filed in. He inquired of the Chairman what conclusion they had come to as to a candidate for Vice-President. To which the Chairman replied: "You will be informed in due time." When the Convention was called to order, one of the delegates from Massachusetts made a speech in which he set forth the high qualities that were desired in a candidate for this important office, and, after giving a sketch of exalted character and great capacity for the public service, he ended by declaring that such a man was Mr. Leigh, of Virginia, and proposing his name as the unanimous recommendation of the committee. Mr. Leigh was taken aback. He had been a zealous supporter of Mr. Clay. He addressed the chair, saying he was much gratified by what had been said by his friend from Massachusetts, and he hoped he might live in some humble measure to deserve the tribute which had been paid to him. But he thought that having been a zealous supporter of Mr. Clay, and having had, in some sense, the charge of his candidacy, he could not himself accept a nomination in connection with another person without exposing himself to the suspicion that he had in some way benefitted by the defeat of his own candidate and leader. It was said that his embarrassment was increased by the fact that he had been seen conversing with the Chairman of the committee by the members of the Convention. How that is I do not know. The result was the nomination of Mr. Tyler, his election, his succession to the Presidency after the death of Harrison, which resulted in such disastrous consequences to the Whigs.

John Davis was a Federalist and a Whig. His sons were Whigs and Republicans always on the conservative side of public questions. His nephew, Colonel Isaac Davis, was in that respect a contrast to his uncle.

It has been charged that John Davis, by taking up the time at the close of the session of Congress by an indiscreet speech, was the means of defeating the Wilmot Proviso, which had come from the House inserted in a bill for the incorporation of Oregon as a Territory. This statement has received general circulation. It is made in Pierce's "Life of Sumner," and in Von Holst's "Constitutional History." There is no truth in it. I investigated the matter very carefully, and have left on record a conclusive refutation of the whole story in a paper published by the American Antiquarian Society.

Mr. Davis's popularity, however, enabled him to render an important service to his party at home. The Democrats in 1839 had elected their governor, Marcus Morton, by a majority of one vote by reason of the unpopularity of the law to prevent liquor-selling, known as the Fifteen-Gallon Law, which had been passed in January, 1838. They were anxious to redeem the State, and summoned John Davis, their strongest and most popular man, to lead their forces. He accordingly resigned his seat in the Senate, was chosen Governor by a large majority, and was reelected to the Senate again the next year.

Sketches like these, made by a man who was young when the men he is talking about were old, are apt to give prominence to trifles, to little follies and eccentricities. Let nobody think that there was anything trifling or ludicrous about John Davis. He was a great, strong, wise man, a champion and tower of strength. He not only respected, but embodied the great traditions and opinions of Massachusetts in the great days, after the generation of the Revolution had left the state when she earned for herself the name of the "Model Commonwealth," and her people were building the structure of the Commonwealth on the sure foundations which the master-workmen of the Colonial and Revolutionary days had laid. The majestic presence of Webster, the classic eloquence of Everett, the lofty zeal of Sumner have made them more conspicuous figures in the public eye, and it is likely will preserve their memory longer in the public heart. But the figure of John Davis deserves to stand by the side of these great men in imperishable memory as one of the foremost men of the State he loved so well and served so faithfully and wisely.

The Bar of Worcester County in 1850 and the years following was a very able one, indeed. It had many men of high reputation in the Commonwealth and some of wide national fame. The principal citizen of Worcester and the most distinguished member of the Bar was Governor Levi Lincoln. Although he had long since left practice, he used always to come into the court once at each term of the Supreme Court, bow respectfully to the Bench, and invite the Judges to dinner at his house, and withdraw. He filled a very large place in the history of Massachusetts from the time of his graduation at Harvard in 1802 until the close of the War in 1865. There is, so far as I know, no memoir of him in existence, except one or two brief sketches which appear in the proceedings of some local societies of which he was a member.

His father, Levi Lincoln the elder, was an intimate friend and correspondent of Mr. Jefferson, and Attorney-General in his Cabinet. He was nominated Judge of the Supreme Court of the United States by Mr. Madison and confirmed by the Senate and actually appointed, but was unable to take the office because of failing sight. He did more, probably, than any other man to organize and bring to success

the political revolution in New England which followed Jefferson's accession to the Presidency in 1801. Many letters to him are found in Mr. Jefferson's published works, and there are many letters from him to Mr. Jefferson in the Jefferson papers in the archives at Washington. Some of the correspondence on both sides is enough to make the hair of the civil service reformer stand on end. The son adopted his father's political opinions and was an enthusiastic supporter of Jefferson in his youth. Jefferson wrote a letter, which I think is now in existence, praising very highly some of young Mr. Lincoln's early performances. He delivered an address at Worcester, March 4, 1803, a few months after he left college, in which he proposed that the Fourth of March, the day of Mr. Jefferson's accession to the Presidency, should be celebrated thereafter instead of the Fourth of July. He says: "Republicans no longer can hail the day as exclusively theirs. Federalism has profaned it. She has formed to herself an idol in the union of Church and State, and this is the time chosen to offer its sacrifice." He sets forth "the long train of monstrous aggressions of the Federalists" under Washington and Adams; declares that they "propose a hereditary executive and a Senatorial nobility for life," and says that the "hand would tremble in recording, and the tongue falter in reciting, the long tale of monstrous aggression. But on the Fourth of March was announced from the Capitol the triumph of principle. Swifter than Jove on his imperial eagle did the glad tidings of its victory pervade the Union. As vanish the mists of the morning before the rays of a sunbeam, so error withdrew from the inquiries of the understanding. The reign of terror had passed," etc., etc. But there never was a better example of Emerson's maxim that "a Conservative is a Democrat grown old and gone to seed." As the young man grew in reputation and influence he became more moderate in his opinions. He was appointed Judge of the Supreme Court; then was elected Governor by a union of all parties in what was called "the era of good feeling"; held the office nine years; then represented the Worcester district in Congress, and withdrew to a dignified and honorable retirement from which he emerged to hold the office of Mayor of Worcester the first year of the life of the city. He was, as I remember him, the very embodiment of dignity and aristocracy. He had a diffuse and rather inflated style, both in public speaking and in private conversation. His dignity had a bare suspicion of pomposity in it. He looked with great disdain upon the simplicity of behavior of some of his successors, and their familiarity with all classes of the people. He came into my office one morning full of an intense disgust with something Governor Briggs had been doing. He said: "In my time, sir, the office of Governor of the Commonwealth was an office of dignity. The arrival of the Chief Magistrate in any town was an event of some importance. He travelled in his carriage, with suitable attendants. He appeared in public only on great occasions. But now you see hand-bills about the street giving notice that there is to be a Temperance tea-party to-morrow afternoon, in some vestry or small hall. Music by the Peak family. His Excellency George N. Briggs will address the meeting. Admission, ten cents."

He accepted his position at the head of the social life of Worcester as a matter of course. I remember one night, when a party was breaking up, I said to the person next to me, in some jesting fashion: "I am sorry to see the decay of the old aristocracy." The Governor, who was getting his coat at the other end of the room, overheard the remark, and called out: "Who is lamenting our decay?"

The Governor looked with great disgust upon the formation of the Free Soil Party and the Anti-Slavery movement. But when the war came he remained thoroughly loyal. He encouraged enlistment in every way, and measures for the support of the Government had all the weight of his influence. He was a Presidential elector, and voted for Abraham Lincoln at the time of his second election.

When Webster was first chosen Senator he refused to be a candidate for the office until it was ascertained whether Governor Lincoln would accept it. The Governor then declined, for the reason I have stated in another place. He was also offered an appointment to the Senate by Governor Washburn when Mr. Everett resigned in 1853. But it is said that he was quite desirous of being elected Senator when Mr. Davis was first chosen.

The Governor was, as just said, an example of Emerson's famous saying that a Conservative is a Democrat grown old and gone to seed. He was looked upon as the embodiment of reverend dignity. His household was at the head of the social life of Worcester during his later years. Every family in the County was proud who could trace a connection with his. There were a few traditions in the old Federalist families like the Thomases and the Allens of a time when the Lincolns were accounted too democratic to be respectable. But they gained little credence with people in general. One day, however, I had to try a real estate case which arose in the adjoining town and involved an ancient land-title. An old man named Bradyill Livermore was summoned as a witness for my client. He was, I think, in his ninety-fifth year. He lived in a sparsely settled district and had not been into Worcester for twenty or twenty-five years. I sat down with him in the consultation-room. After he had told me what he knew about the case, I had a chat with him about old times and the changes in Worcester since his youth, and he asked me about some of the members of the Bar then on the stage. Governor Lincoln, who had long retired, happened to be mentioned. The old fellow brought the point of his staff down with great emphasis upon the floor, and then held it loosely with the fingers of his trembling and shaking hand, and said, very earnestly, but with a shrill and strident voice like that of one of Homer's ghosts: "They

say, sir, that that Mr. Lincoln has got to be a very respectable man. But I can remember, sir, when he was a terrible Jacobite."

I have given elsewhere a portraiture of Charles Allen, and a sketch of his great career. He was a man of slender physical frame and feeble voice. But he was a leader of leaders. When in 1848 he left the Whig Convention in Philadelphia, an assembly flushed with the anticipation of National triumph, declaring, amid the jeers and hisses of its members, that the Whig Party was dead—a prediction verified within four years—down to the election of Lincoln, in 1860, he was in Massachusetts a powerful influence. He was a great advocate, a great judge, a great counsellor. He was in my judgment a greater intellectual force than any other man in his time, Daniel Webster not excepted. It was a force before which Webster himself more than once recoiled. I knew him intimately and was, I believe, admitted to no inconsiderable share of his confidence. But there is no space here to do justice to my reverence for his noble character.

On the whole, the most successful of the Worcester Bar, in my time, in the practice of his profession, was Emory Washburn. He was a man of less intellectual power undoubtedly than either of his great contemporaries and antagonists, Allen, Merrick, or Thomas. Yet he probably won more cases, year in and year out, than either of them. He was a man of immense industry. He went to his office early in the morning, took a very short time, indeed, for his meals, and often kept at work until one or two o'clock in the morning of the next day. He suffered severely at one time from dyspepsia brought on by constant work and neglect of exercise; but generally he kept his vigorous health until his death at the age of eighty. He was indefatigable in his service to his clients. His mind was like a steel spring pressing on every part of the other side's case. It was ludicrous to see his sympathy and devotion to his clients, and his belief in the cause of any man whom he undertook to champion. It seemed as if a client no sooner put his head on the handle of Washburn's office-door than his heart warmed to him like that of a mother toward her first-born. No strength of evidence to the contrary, no current of decisions settling the law would prevent Washburn from believing that his man was the victim of prejudice or persecution or injustice. But his sincerity, his courtesy of manner and kindness of heart made him very influential with juries, and it was rare that a jury sat in Worcester county that had not half a dozen of Washburn's clients among their number.

I was once in a very complicated real estate case as Washburn's associate. Charles Allen and Mr. Bacon were on the other side. Mr. Bacon and I, who were juniors, chatted about the case just before the trial. Mr. Bacon said: "Why, Hoar, Emory Washburn doesn't understand that case the least in the world." I said, "No, Mr. Bacon, he doesn't understand the case the least in the world. But you may depend upon it he will make that jury misunderstand it just as he does." And he did.

Charles Allen, who never spared any antagonist, used to be merciless in dealing with Washburn. He once had a case with him which attracted a great deal of public attention. There had been a good many trials and the cost had mounted up to a large sum. It was a suit by a farmer who had lost a flock of sheep by dogs, and who tried to hold another farmer responsible as the owner of the dog which had killed them. One of the witnesses had been out walking at night and heard the bark of the dog in the field where the sheep were. He was asked to testify if he could tell what dog it was from the manner of his bark. The evidence was objected to, and Allen undertook to support his right to put the question. He said we were able to distinguish men from each other by describing their manner and behavior, when the person describing might not know the man by name. "For instance, may it please your Honor, suppose a stranger who came into this court-house during this trial were called to testify to what took place, and he should say that he did not know anybody in the room by sight, but there was a lawyer there who was constantly interrupting the other side, talking a great deal of the time, but after all didn't seem to have much to say. Who would doubt that he meant my Brother Washburn?"

This gibe is only worth recording as showing the court-house manners of those times. It is no true picture of the honest, faithful and beloved Emory Washburn. He was public-spirited, wise, kind-hearted, always ready to give his service without hope of reward or return to any good cause, a pillar of the town, a pillar of the church. He had sometimes a certain confusion of statement and of thought, but it was only apparent in his oral discourse. He wrote two admirable law-books, one on easements, and one on real property. Little & Brown said his book on easements had the largest sale of any law-book ever published in this country up to its time. He was a popular and useful Professor in the Harvard Law School. He gave a great deal of study to the history of Massachusetts, and was the author of some valuable essays on historical questions, and some excellent discourses on historical occasions. He left no duty undone. Edward Hale used to say: "If you want anything done well, go to the busiest man in Worcester to do it—Emory Washburn, for example." He was grievously disappointed that he was not appointed Judge of the Supreme Court when Judge Thomas became a member of the Bench. A little while afterward there was another vacancy, and Governor Clifford took Merrick, another of Washburn's contemporaries and rivals at the bar, although Merrick was a Democrat, and the Governor, like Washburn himself, was a Whig. This was almost too much for him to bear. It took place early in the

year 1853. Mr. Washburn sailed for Europe a few weeks after, and felt almost like shaking off the dust of his feet against Massachusetts and the Whig Party. But he was very agreeably compensated for his disappointment. During his absence he was nominated by the Whigs for the office of Governor, to which office he was elected in the following January, there being then, under our law, which required a clear majority of all the votes, no choice by the people. He made an admirable and popular Governor. But the Nebraska Bill was introduced in that year. This created strong excitement among the people of Massachusetts, and the Know-Nothing movement came that fall, inspired more by the desire of the people to get rid of the old parties, and form a new anti-slavery party, than by any real opposition to foreigners, which was its avowed principle. This party swept Massachusetts, electing all the State officers and every member of the State Legislature except two from the town of Northampton. They had rather a sorry Legislature. It was the duty of the outgoing Governor to administer the oath to the Representatives- and Senators-elect. Governor Washburn performed that duty, and added: "Now, gentlemen, so far as the oath of office is concerned, you are qualified to enter upon your duties."

Governor Washburn was a thorough gentleman, through and through, courteous, well-bred, and with an entirely sufficient sense of his own dignity. But he had little respect for any false notions of gentility, and had a habit of going straight at any difficulty himself. To this habit he owed much of his success in life. A very amusing story was told by Mrs. Washburn long after her husband's death. She was one of the brightest and sprightliest and wittiest of women. Her husband owed to her much of his success in life, as well as much of his comfort and domestic enjoyment. She used to give sometimes half a dozen entertainments in the same week. She was never disconcerted by any want of preparation or suddenness of demand upon her hospitality. One day some quite distinguished guests arrived in Worcester unexpectedly, whom it was proper that she should keep to dinner. The simple arrangements which had been made for herself and her husband would not do. She accordingly went at once to the principal hotel of the town, in the neighborhood, and bargained with the landlord to send over the necessary courses for her table, which were just hot and cooked and ready for his own. She got off very comfortably without being detected.

Her story was that one time when Judge Washburn was Governor the members of his Staff came to Worcester on some public occasion and were all invited to his house to spend the night. When he got up in the morning he found, to his consternation, that the man who was in the habit of doing such services at his house was sick, or for some other reason had failed to put in an appearance, and none of the boots of the young gentlemen were blacked. The Governor was master of the situation. He descended to his cellar, took off his coat, blacked all the boots of the youngsters himself, and met them at breakfast with his usual pleasant courtesy, as if nothing had happened.

I do not undertake to give a full sketch of Benjamin F. Thomas. He was one of the very greatest of American lawyers. But such desultory recollections as these are apt to dwell only on the eccentricities or peculiarities or foibles of men. They are not the place for elaborate and noble portraiture.

Judge Thomas was the principal figure in the Worcester court-house after Judge Allen's election to Congress in 1848. Judge Thomas did not get large professional business very rapidly. He was supposed, in his youth, to be a person of rather eccentric manners, studious, fond of poetry and general literature and of historical and antiquarian research. He was impulsive, somewhat passionate, but still with an affectionate, sunny, generous nature, and a large heart, to which malice, hatred, or uncharitableness were impossible. It is said that in his younger days he used to walk the streets, wrapped in his own thoughts, unconscious of the passers-by, and muttering poetry to himself. But when I came into his office as a student, in August, 1849, all this trait had disappeared. He was a consummate advocate, a favorite alike with Judges and jurors, winning his causes wherever success was possible, and largely employed. He had a clear voice, of great compass, pitched on rather a high key, but sweet and musical like the sound of a bugle. The young men used to fill the court-house to hear his arguments to juries. He became a very profound lawyer, always mastering the learning of the case, but never leaning too much upon authorities. Charles Emerson's beautiful phrase in his epitaph upon Professor Ashmun, "Books were his helpers, never his masters," was most aptly applied to Thomas. If he had any foible which affected at all his usefulness or success in life it was an impatience of authority, whether it were the authority of a great reputation, or of party, or of public sentiment, or of the established and settled opinions of mankind. He went on the Supreme Bench in 1853. Dissenting opinions were rare in the Massachusetts Supreme Court in those days. In this I think the early Judges were extremely wise. Nothing shakes the authority of a court more than the frequent habit of individual dissent. But Judge Thomas dissented from the judgments of his court on several very important occasions. His dissenting opinions were exceedingly alike. I think it would have been better if they had not been delivered. I think he would have been much more likely to have come to the other conclusion if the somewhat imperious intellect of Shaw had not been put into the prevailing scale. When all Massachusetts bowed down to Webster, Judge Thomas, though he respected and honored the great public idol, supported Taylor as a candidate for the Presidency. At the dinner given to the Electoral College after the election,

where Mr. Webster was present, Judge Thomas shocked the meeting by saying: "Some persons have spoken of our candidate as their second choice. I am proud to say that General Taylor was not only my last, but my first choice." So, when Judge Thomas was in Congress, while he was as thoroughly loyal, patriotic, and brave a man as ever lived, he opposed the policies of the Republican Party for carrying on the war and putting down the Rebellion. He was thought to be inspired by a great dislike of submitting to party authority or even to that of President Lincoln. He was very fond of young men. When he was Judge they always found that they had all the consideration that they deserved, and had no fear of being put at a disadvantage by any antagonist, however able or experienced. The Judge seemed always to be stirred by the suggestion of an intellectual difficulty. When I was seeking some remedy at his hands, especially in equity, I used to say that I thought I had a just case, but I was afraid his Honor might think the legal difficulties were insuperable and I did not know whether I could get his Honor's approbation of what I asked. He would instantly rouse himself and seem to take the suggestion as a challenge, and if it were possible for human ingenuity to find a way to accomplish what I wanted he would do it. He preserved the sweetness and joyous spirit of boyhood to the day of his death. It was delightful to catch him when he was at leisure, to report to him any pleasant story that was going about, and to hear his merry laugh and pleasant voice. He was a model of the judicial character. It was a delight to practise before him at *nisi prius*. I have known a great many admirable lawyers and a good many very great Judges. I have known some who had more learning, and some, I suppose, though very few, who had greater vigor of intellect. But no better Judge ever sat in a Massachusetts court-house. Dwight Foster felicitously applied to him the sentence which was first uttered of Charles James Fox, that "his intellect was all feeling, and his feeling all intellect."

Dwight Foster came to the Bar just a week after I did. But I ought not to omit him in any account of the Massachusetts lawyers or Judges of my time. He rose rapidly to a place in the first rank of Massachusetts lawyers, which he held until his untimely death. He was graduated the first scholar in his class at Yale in 1848. Before he was graduated he became engaged to a very admirable and accomplished lady, daughter of Roger S. Baldwin, Governor of Connecticut and United States Senator, then head of the Connecticut Bar. This lady had some tendency to a disorder of the lungs and throat which had proved fatal to two of her brothers. Dwight Foster was very anxious to get her away from New Haven, where he thought the climate and her habit of mingling in gay society very unfavorable to her health. So he set himself to work to get admitted to the Bar and get established in business that he might have a place for her in Worcester. He was examined by Mr. Justice Metcalf, after studying a little more than a year, and found possessed of attainments uncommon even for persons who had studied the full three years and had been a good while at the Bar. Judge Metcalf admitted him, and on some other Judge criticising what he had done, the Judge said, with great indignation, "If he thinks Foster is not qualified, let him examine him himself."

Mr. Foster's first employment had very awkward consequences. The people in Worcester had the old Puritanic dislike to theatrical entertainments, and had always refused to license such exhibitions. But a company of actors desired to obtain a theatre for the season and give performances in Worcester. There was a great opposition, and the city government ordered a public hearing of the petition in the old City Hall. Foster was employed by the petitioners. The hall was crowded with citizens interested in the matter, and the Mayor and Aldermen sat in state on the platform. When the hearing was opened, the audience were struck with astonishment by the coming forward of Dwight Foster's father, the Hon. Alfred D. Foster, a highly honored citizen of great influence and ability. He had been in the State Senate and had held some few political offices, but had disliked such service and had never practised law, having a considerable property which he had inherited from his father, the former United States Senator. He made a most eloquent and powerful appeal to the aldermen to refuse the petition, in the name of morality and good order. He stated the deplorable effect of attending such exhibitions on the character of the youth of our city of both sexes, cited the opinion and practice of our ancestors in such matters, and made a profound impression. He then warned his hearers against the young man who was to follow him, whom, he said, he loved as his life, but he was there employed as a lawyer with his fee in his hand, without the responsibility which rested upon them of protecting the morals and good order of the city. It was very seldom that so powerful a speech was heard in that hall, although it was the cradle of the Anti-slavery movement, and had been the scene of some of the most famous efforts of famous orators. Everybody supposed that the youth was crushed and would not venture to perform his duty in the face of such an attack. But he was fully equal to the occasion. He met his father with a clear, simple, modest, but extremely able statement of the other side; pointed out the harmlessness of such exhibitions when well conducted, and that the strictness which confounded innocence and purity with guilt and vice was itself the parent and cause of vice. He did not allude to his father by name or description, but in replying to his arguments said: "It is said in some quarters," or "An opposition comes from some quarters" founded on such-and-such reasons. He got the sympathy of his audience and carried his point. And from that time nobody hesitated to trust Dwight Foster with any cause, however important, from any doubt of his capacity to take care of his clients.

He had been brought up as a Whig. But when the Nebraska Bill was passed, he became a zealous and earnest Republican. He was candidate for Mayor, but defeated on a very close vote by George W. Richardson. He held the office of Judge of Probate for a short time, by appointment of Governor Banks; was elected Attorney-General in 1860 when Governor Andrew was chosen Governor, and soon after was appointed Judge of the Supreme Court, an office which he filled with great distinction, then left the Bench to resume his practice, and died of a disease of the heart which he inherited from his ancestors. He was Governor Andrew's Attorney-General during the War, who said of him that "he was full of the fire and hard-working zeal of Massachusetts." He was the organ of the patriotism and energy of Worcester at the seat of government during the war, looking out for the interests of her soldiers, and always urging the brave and vigorous counsel. I lost a staunch friend by his death. I can sum up his qualities in no better way than by the word "manliness." He never uttered an ignoble word, thought an ignoble thought, or did an ignoble act. His method of speech was clear, simple, spirited, without much pathos or emotion, but still calculated to stir and move his hearers.

I had more intimate relations with Judge Thomas L. Nelson than with any other member of the Worcester Bar except those with whom I formed a partnership. We were never in partnership. But after I went to Congress in 1869, he moved into my office until his appointment to the Bench. So when I was at home we were in the same room. He had been accustomed for a long time before to employ me to assist him in important trials before the jury and in arguments before the Supreme Court. I suppose I am responsible for his appointment to the District Court, although the original suggestion was not mine. After the death of Judge Shepley, there was a general expectation that Judge John Lowell, of the District Court, would be made Circuit Judge. One morning one of the Boston papers suggested several names for the succession, among them that of Mr. Knowlton, of Springfield, and Mr. Nelson. I said nothing to him. But he observed: "I see in a paper that I am spoken of as District Judge." I replied: "Yes, I saw the article." Neither of us said anything further on the subject. When I got to Washington I met Mr. Devens, then Attorney-General, who said, "We shall have to appoint a District Judge, I suppose. I think your friend Nelson is the best man for it. But I suppose he would not accept it." I said: "No, I don't believe he would accept it. But, if you think he is the best man for it, the question whether he will accept it ought to be determined by him, and not by his friends for him." I had no thought that Mr. Nelson would leave his practice for the Bench. But I thought it would be a very agreeable thing to him to have the offer. I wrote to him a day or two afterward that I thought it likely he would be offered the place. He answered by asking me, if it were to be offered to him, how much time would be given to him to consider the matter. Soon after I was informed by Attorney-General Devens that the President had offered him the place on the Circuit Bench, and that he very much desired to accept it. But he thought that, although the President had put the place at his disposal, he was very unwilling to have any change in the Cabinet, and doubted whether he ought to accept the offer unless he were very sure the President was willing to spare him. One day soon after, President Hayes sent for me to come to see him. I called at the Attorney-General's office, told him the President had sent for me, and that he probably wished to speak about the Circuit Judgeship, and I wanted to know what he would like to have me say. Devens said that he should prefer that way of spending the rest of his life to any other. But the President had done him a great honor in inviting him to his Cabinet, and he did not wish to leave him unless he were sure that the President was willing. I went to the White House. When President Hayes opened the subject, I told him what was the Attorney-General's opinion. The President said that if he could be sure that were true, it would relieve his mind of a great burden. I told him he could depend on it. The President said he did not know anybody else whom he should be as willing to have in his Cabinet as Devens, unless I myself would consent to accept the place. He gave a little friendly urging in that direction. I told him that I had lately been elected to the Senate after a considerable controversy, and that I did not think I could in justice to the people of the State make a vacancy in the office which would occasion a new strife. I called on Devens on my way back, and reported to him what the President had said. He immediately went to the White House, and they had a full understanding, which resulted in Devens keeping his place in the Cabinet through the Administration.

It was then suggested that while Judge Lowell was a most admirable District Judge, and in every way an admirable lawyer, yet that it would be better if it were possible to get one of the leaders of the Bar, who would supply what Judge Lowell lacked—the capacity for charging juries on facts, and presiding at jury trials, and to leave him in the District Court, where his services were so valuable. The office of Circuit Judge was accordingly offered to Mr. William G. Russell. I wrote to Nelson, asking him to consider my first letter on the subject as not having been written. Mr. Russell replied, declining the place, and saying, with great emphasis that he was sorry the President should hesitate a moment about offering the place to Judge Lowell, whom he praised very highly. But the President and the Attorney-General thought that it should be offered to Mr. George O. Shattuck, a very eminent lawyer and advocate. On inquiry, however, it turned out that Mr. Shattuck, who was in poor health, was absent on a journey, and it was so unlikely that he would accept the offer that it was thought best not to diminish the value and honor to Judge Lowell of the place by offering it further to another person. Accordingly the place was offered to Judge Lowell and accepted by him.

General Devens than said to me: "I have been thinking over the matter of the District Judge, and I think if a man entirely suitable can be found in the Suffolk Bar, that the appointment rather belongs to that Bar, and I should like, if you have no objection, to propose to the President to offer it to Mr. Charles Allen." Mr. Allen was later Judge of the Supreme Court of Massachusetts. I assented, but said: "If Mr. Allen refuses it, I hope it will then be offered to Mr. Nelson, in accordance with your original opinion." The Attorney-General agreed. The offer was made to Mr. Allen, and by him declined. When the letter of refusal came, the Attorney-General and I went together to the White House and showed the President the letter. In the meantime a very strong recommendation of Mr. Oliver Wendell Holmes, Jr., now of the Supreme Court, had been received by the President. He felt a good deal of interest in Holmes. I think they had both been wounded in the same battle. But, at any rate, they were comrades. The President then said: "I rather think Holmes is the man." I then gave him my opinion of Mr. Nelson, and the President said to Devens: "Do you agree, Mr. Attorney-General?" Devens said: "I do." And the President said: "Then Nelson be it." Mr. Nelson, to my surprise, accepted the appointment.

Judge Nelson was a master of equity and bankruptcy. No doctrine was too subtle or abstruse for him. The matter of marshalling assets, or the tacking of mortgages, and such things which require a good deal of the genius of the mathematician, were clear in his apprehension. He was one of the two or three men in the State who ever understood the complications of the old loan-fund associations. He was especially a master of legal remedies. He held on like a bull-dog to a case in the justice of which he believed. When you had got a verdict and judgment in the Supreme Court against one of Nelson's clients, he was just ready to begin work. Then look out for him. He had with this trait also a great modesty and diffidence. If anybody put to him confidently a proposition against his belief, Nelson was apt to be silent, but, as Mr. Emerson said of Samuel Hoar, "with an unaltered belief." He would come out with his reply days after. When he came to state the strong point in arguing his case, he would sink his voice so it could hardly be heard, and look away like a bashful maiden giving her consent. Judge Bigelow told me, very early in Nelson's career, that he wished I would ask my friend to make his arguments a little longer, and to raise his voice so the court could hear him better. They always found his arguments full of instruction, and disliked to lose anything so good a lawyer had to say. His value as a Judge was largely in consultation and in his sound opinions. I suppose that, like his predecessor, Judge Lowell, he was not the very best of Judges to preside at jury trials, or to guide juries in their deliberations. Indeed, Nelson had many of the intellectual traits—the same merits and the same defects that Lowell had. Lowell was a man of great wit, and a favorite with the Boston Bar when he was appointed. So they made the best of him. They were not inclined to receive Nelson's appointment very graciously. It was some years before he established a high place in their confidence and esteem. But it was established before his death. Gray and Putnam and Webb, all in their way lawyers of the first class, found Nelson a most valuable and acceptable associate, and have all spoken of him in most enthusiastic terms. He was a good naturalist. He knew the song-birds, their habits, and dwelling-places. He knew all the stars. He liked to discuss difficult and profound questions of public policy, constitutional law, philosophy, and metaphysics. Sometimes, when I came home from Washington after a period of hard work, if I happened to find Nelson in the cars when I went to Boston, it was almost painful to spend an hour with him, although his conversation was very profound and interesting. But it was like attempting to take up and solve a difficult problem in geometry. I was tired, and wanted to be humming a negro melody to myself. He was a man of absolute integrity, not caring whether he pleased or displeased anybody. He had a good deal of literary knowledge, was specially fond of Emerson, and knew him very thoroughly, both prose and verse. He had a good deal of wit, one of the brightest examples of which I will not undertake to quote here. He was a civil engineer in his youth, and was always valuable in complicated questions of boundary, or cases like our sewer and water cases, which require the application of practical mathematics. He was a friendly and placable person so far as he was concerned himself, but resented, with great indignation, any unkindness toward any of his friends or household. His friend and associate, Judge Webb, after his death spoke with great beauty and pathos of Nelson's love of nature and of his old county home:

"When, in later years, he revisited the scenes of his childhood, he made no effort to conceal his affection for them; as he wandered among the mountains and along the valleys, so dearly remembered, his eye would grow bright, his face beam with pleasure, and his voice sound with the tone of deep sensibility. He grew eloquent as he described the beauty spread out before him, and lovingly dwelt on the majesty and grandeur of the mountain at the foot of which his infancy was cradled. It was high companionship to be with him at such times. His ear was open to catch the note of every bird, which came to him like voices of well-beloved friends; he knew the brooks from their sources to their mouths, and the rivers murmured to him the songs they sang in the Auld Lang Syne. But deep as was the joy of these visits, they did not allure him from the more rugged paths of labor and duty."

The wisdom of Nelson's selection, if it need vindication, is abundantly established by the memorial of him reported by a committee, of which Lewis S. Dabney was chairman, and adopted by the Suffolk Bar. The Bar, speaking of the doubt expressed in the beginning by those who feared an inland lawyer on the

Admiralty Bench, goes on to say:

"Those who knew him well, however, knew that he had been a successful master and referee in many complicated cases of great importance; that his mathematical and scientific knowledge acquired in his early profession as an engineer was large and accurate, and would be useful in his new position; that he who had successfully drawn important public acts would be a successful interpreter of such acts; that always a student approaching every subject, not as an advocate but as a judicial observer, he would give that attention to whatever was new among the problems of his judicial office that would make him their best master and interpreter, and that what in others might be considered weakness or indolence was but evidence of a painful shrinking from displaying in public a naturally firm, strong, earnest and persistent character, a character which would break out through the limitations of nature whenever the occasion required it.

"Those who, as his associates upon the Bench, or as practitioners before him at the Bar, have had occasion to watch his long and honorable career, now feel that the judgment of his friends was the best and that his appointment has been justified; and those who have known him as an Associate Justice of the Circuit Court of Appeals have felt this even more strongly."

Another striking figure of my time was Horace Gray. He was in the class before me at Harvard, though considerably younger. I knew him by sight only in those days. He was very tall, with an exceedingly youthful countenance, and a head that looked then rather small of so large-limbed a youth—rather awkward in his gait and bearing. But after he reached manhood he grew into one of the finest-looking men of his time. I believe he was the tallest man in Boston. He expanded in every way to a figure which corresponded to his stately height. He was the grandson of the famous William Gray, the great merchant and ship-owner of New England, who was an important figure in the days just preceding and just following the War of 1812. Many anecdotes are still current of his wise and racy sayings. His sons inherited large fortunes and were all of them men of mark and influence in Boston. Francis C. Grey, the Judge's uncle, was a man of letters, a historical investigator. He discovered the priceless Body of Liberties of 1641, which had remained unprinted from that time, although the source from which our Bill of Rights and constitutional provisions had been so largely drawn.

Judge Gray's father was largely employed in manufacturing and owned some large iron works. The son had been brought up, I suppose, to expect that his life would be one of comfort and ease, free from all anxieties about money, and the extent of the labor of life would be, perhaps, to visit the counting-room a few hours in the day to look over the books and see generally that his affairs were properly conducted by his agents and subordinates. He had visited Europe more than once, and was abroad shortly after his graduation when the news reached him that the companies in which his father's fortune was invested had failed. He at once hurried home and set himself resolutely to work to take care of himself. He was an accomplished naturalist for his age and time, and had a considerable library of works on natural history. He exchanged them for law-books and entered the Law School. I was splitting wood to make my own fire one autumn morning when my door, which was ajar, was pushed open, and I saw a face somewhere up in the neighborhood of the transom. It was Gray, who had come to inquire what it was all about. He had little knowledge of the rules or fashions of the Law School. I told him about the scheme of instruction and the hours of lectures, and so forth. We became fast friends, a friendship maintained to his death. He at once manifested a very vigorous intellect and a memory, not only for legal principles, but for the names of cases, which I suppose had been cultivated by his studies in natural history and learning the scientific names of birds and plants. At any rate, he became one of the best pupils in the Law School. He afterward studied law with Edward D. Sohler, and immediately after his admission became known as one of the most promising young men at the Bar. Luther S. Cushing was then Reporter of the decisions of the Supreme Court. He was in poor health and employed Gray to represent him as Reporter on the Circuit. Gray always had a marvellous gift of remembering just where a decision of principle of law could be found, and his thumb and forefinger would travel instantly to the right book on the obscurest shelf in a Law Library. So nothing seemed to escape his thorough and indefatigable research. When he was on the Circuit, learned counsel would often be arguing some question of law for which they had most industriously prepared, when the young Reporter would hand them a law-book with a case in it which had escaped their research. So the best lawyers all over the State got acquainted at an early day with his learning and industry, and when Cushing soon after was obliged to resign the office of Reporter, Gray was appointed by the general consent of the best men of the profession, although he had as a competition Judge Perkins, a very well known lawyer and Judge, who had edited some important law-books and was a man of mature age. This was in 1854, only three years after his admission to the Bar. The office of Reporter was then one of the great offices of the State, almost equal in dignity to that of the Judge of the Supreme Court itself. Four of our Massachusetts Reporters have been raised to that Bench. He was quite largely retained and employed during that period, especially in important questions of commercial law. He resigned his office of Reporter about the time of the breaking out of the war. Governor Andrew depended upon his

advice and guidance in some very important and novel questions of military law, and in 1864 he was appointed Associate Justice of the Court. In 1873 he became its Chief Justice, and in 1882 was made Associate Justice of the Supreme Court of the United States. The extent of his learning and the rapidity and thoroughness of his research were marvellous. But it is not upon this alone, or chiefly, that his fame as one of the great Judges of the world will rest. He was a man of a native, original intellectual power, unsurpassed by any man who has been on the Bench in his time, either in this country or in England. His decisions have been as sound and as acceptable to the profession upon questions where no authority could be found upon which to rest, and upon questions outside of the beaten paths of jurisprudence as upon those where he found aid in his great legal learning. He was a remarkably acceptable *nisi-prius* Judge, when holding court in the rural counties, and, though bred in a city, where human nature is not generally learned so well, he was especially fortunate and successful in dealing with questions of fact which grow out of the transactions of ordinary and humble life in the country. He manifested on one or two occasions the gift of historical research and discussion for which his uncle Francis was so distinguished.

It was my sorrowful duty to preside at a meeting of the Bar of the Supreme Court of the United States to express their sense of their great loss and that of the whole country, after Gray's death.

I add some extracts from the remarks which I made on that occasion:

The Bar of the Supreme Court of the United States come together to pay a tribute of honor to a great lawyer and Judge. I shall have, I am sure, another opportunity to put on record my own sense of the irreparable loss of a dear friend and comrade of more than fifty years. To-day we are to speak, as members of the Bar, of an honored Judge whom the inexorable shaft has stricken in his high place.

He was in his seat in the Supreme Court of the United States for the last time Monday, February 3, 1902. On the evening of that day he had a slight paralytic shock, which seriously affected his physical strength. He retained his mental strength and activity unimpaired until just before his death. On the 9th day of July, 1902, he sent his resignation to the President, to take effect on the appointment and qualifying of his successor. So, he died in office, September 15, 1902.

On his mother's side Judge Gray was the grandson of Jabez Upham, one of the great lawyers of the day, who died in 1811, at the age of forty-six, after a brief service in the National House of Representatives. He was settled in Brookfield, Worcester County. But the traditions of his great ability were fresh when I went there to live, nearly forty years after his death. The memory of the beauty and sweetness and delightful accomplishment of Mr. Upham's daughter, Judge Gray's mother, who died in the Judge's early youth, was still fragrant among the old men and women who had been her companions. She is mentioned repeatedly in the letters of that accomplished Scotch lady—friend of Walter Scott and of so many of the English and Scotch men of letters in her time—Mrs. Grant of Laggan. Mrs. Grant says in a letter published in her Memoir: "My failing memory represents my short intercourse with Mrs. Gray as if some bright vision from a better world had come and, vanishing, left a trail behind." In another letter she speaks of the enchantment of Mrs. Gray's character: "Anything so pure, so bright, so heavenly I have rarely met with."

The title, which the kindness of our countrymen has given to Massachusetts, that of Model Commonwealth, I think has been earned largely by the character of her Judiciary, and never could have been acquired without it. Among the great figures that have adorned that Bench in the past, the figure of Justice Gray is among the most conspicuous and stately.

Judge Gray has had from the beginning a reputation for wonderful research. Nothing ever seemed to escape his industry and profound learning. This was shown on a few occasions when he undertook some purely historical investigation, as in his notes on the case of the Writs of Assistance, argued by James Otis and reported in Quincy's Reports, and his recent admirable address at Richmond, on Chief Justice Marshall. But while all his opinions are full of precedent and contain all the learning of the case, he was, I think, equally remarkable for the wisdom, good sense, and strength of his judgments. I do not think of any Judge of his time anywhere, either here or in England, to whom the profession would ascribe a higher place if he be judged only by the correctness of his opinions in cases where there were no precedents on which to lean and for the excellent original reasons which he had to give. I think Judge Gray's fame, on the whole, would have been greater as a man of original power if he had resisted, sometimes, the temptation to marshal an array of cases, and had suffered his judgments to stand on his statement of legal principles without the authorities. He manifested another remarkable quality when he was on the Bench of Massachusetts. He was an admirable *nisi-prius* Judge. I think we rarely have had a better. He possessed that faculty which made the jury, in the old days, so admirable a mechanism for performing their part in the administration of justice. He had the rare gift, especially rare in men whose training has been chiefly upon the Bench, of discerning the truth of the fact, in spite of the apparent weight of the evidence. That Court, in his time, had exclusive jurisdiction of divorces

and other matters affecting the marital relations. The Judge had to hear and deal with transactions of humble life and of country life. It was surprising how this man, bred in a city, in high social position, having no opportunity to know the modes of thought and of life of poor men and of rustics, would settle these interesting and delicate questions, affecting so deeply the life of plain men and country farmers, and with what unerring sagacity he came to the wise and righteous result.

Judge Gray's opinions for the eighteen years during which he sat on the Bench of Massachusetts constitute an important body of jurisprudence, from which the student can learn the whole range of the law as it rests on principle and on authority.

And so it came to pass when the place of Mr. Justice Clifford became vacant that by the almost universal consent of the New England Circuit, with the general approval of the profession throughout the whole country, Mr. Justice Gray became his successor. Of his service here there are men better qualified to speak than I am. He took his place easily among the great Judges of the world. He has borne himself in his great office so, I believe, as to command the approbation of his countrymen of all sections and of all parties. He has been every inch a Judge. He has maintained the dignity of his office everywhere. He has endeared himself to a large circle of friends here at the National Capital by his elegant and gracious hospitality. His life certainly has been fortunate. The desire of his youth has been fulfilled. From the time, more than fifty years ago, when he devoted himself to his profession, there has been, I suppose, no moment when he did not regard the office of a Justice of the Supreme Court as not only the most attractive but also the loftiest of human occupations. He has devoted himself to that with a single purpose. He has sought no fame or popularity by any other path. Certainly his life has been fortunate. It has lasted to a good old age. But the summons came for him when his eye was not dimmed nor his natural force abated. He drank of the cup of the waters of life while it was sweetest and clearest, and was not left to drink it to the dregs. He was fortunate also, almost beyond the lot of humanity, in that by a rare felicity, the greatest joy of youth came to him in an advanced age. Everything that can make life honorable, everything that can make life happy— honor, success, the consciousness of usefulness, the regard of his countrymen, and the supremest delight of family life— all were his. His friends take leave of him as another of the great and stately figures in the long and venerable procession of American Judges.

Next to Judge Wilde in seniority upon the Bench among the associate Judges was Mr. Justice Charles A. Dewey of Northampton. He had had a good deal of experience as a prosecuting attorney in a considerable general practice in the western part of the State. He was careful in his opinions never to go beyond what was necessary for the case at bar. It is said that there is no instance that any opinion of his was ever overruled in a very long judicial service.

Judge Dewey was a man of absolute integrity and faithful in the discharge of his judicial duty. He had no sentiment and, so far as I ever knew, took little interest in matters outside of his important official duties. He was very careful in the management of property. When the Democrats were in power in Massachusetts in 1843 they reduced the salaries of the Judges of the Supreme Court in violation of the Constitutional provision. Chief Justice Shaw refused to touch a dollar of his salary until the Legislature the next year restored the old salary and provided for the payment of the arrears. Judge Dewey held out for one quarter. But the next quarter he went quietly to the State House, drew his quarter's salary, went down on to State Street and invested it, and did the same every quarter thereafter.

In the days of my early practice the Supreme Court used to sit in Worcester for about five or six weeks, beginning in April. It had exclusive jurisdiction of real actions, and limited equity jurisdiction. All suits where the matter in issue was more than three hundred dollars might be brought originally in that court or removed there by the defendant from the Common Pleas if the plaintiff began it below. So the court had a great deal of business. It also had jurisdiction of divorce cases, appeals from the Probate Court and some special writs such as habeas corpus, certiorari and mandamus. But after all, the old Court of Common Pleas was the place where the greater part of the law business of the county was transacted. There were at first four civil terms in the year, and, after Fitchburg became a half shire, there were two more terms held there. The Common Pleas had jurisdiction of all crimes except capital.

There were some very interesting characters among the old Judges of the Common Pleas. Among the most remarkable was Judge Edward Mellen, who was first side Judge and afterward Chief Justice. He was a man of great law-learning, indefatigable industry and remarkable memory for cases, diffuse and long-winded in his charges, and apt to take sides. He took everything very seriously. It is said that he would listen to the most pathetic tale of human suffering unmoved, but would burst into tears at the mention of a stake and stones or two chestnut staddles.

Mellen with the other Judges of the old Common Pleas Court was legislated off the Bench by the abolition of that court in 1858. He moved from Middlesex to Worcester and resumed practice, but was

never largely employed. He was a repository of the old stories of the Middlesex Bar, many of which died with him.

A Lowell lawyer told me this story of Judge Mellen. My informant had in his office a law student who spent most of his time in reading novels and poetry and writing occasionally for the newspapers. He was anxious to get admitted to the Bar and had crammed for the examination. In those days, unless the applicant had studied three years, when he was admitted as of course, the Judge examined him himself. The Judge was holding court at Concord, and an arrangement was made that the youngster should go to the Judge's room in the evening and submit himself to the examination. He kept the appointment, but in about ten minutes came out. My informant, who had recommended him, asked him what was the matter. He said he didn't know. The Judge had asked him one question only. He was sure he answered it right, but the Judge immediately dismissed him with great displeasure. The next morning the lawyer went up to Judge Mellen in court and said, "Judge, what was the matter with the young man last night? Did you not find him fitted?"

"Fitted?" said the Judge. "No sir. I asked him what was the rule in Shelley's Case, and he told me the rule in Shelley's Case was that when the father was an atheist the Lord Chancellor would appoint a guardian for his children."

"Ah," was the reply. "I see. The trouble is that neither of you ever heard of the other's Shelley."

Judge Byington of Stockbridge in Berkshire used to come to Worcester a great deal to hold the old Common Pleas Court. He was an excellent lawyer and an excellent Judge—dry, fond of the common law, and of black letter authorities. He had a curious habit of giving his charge in one long sentence without periods, but with a great many parentheses. But he had great influence with the juries and was very sound and correct in his law. I once tried a case before him for damages for the seizure of a stock of liquors under the provisions of the Statute of 1852, known as the Maine Liquor Law, which had been held unconstitutional by the Supreme Court. He began: "The Statute of 1852 chapter so-and-so gentlemen of the jury commonly known as the Maine Liquor Law which has created great feeling throughout this Commonwealth some very good men were in favor of it and some very good men were against it read literally part of it would be ridiculous and you may take your seats if you please gentlemen of the jury I shall be occupied some time in my charge and I do not care to keep you standing and some of it would be absurd and some of it reads very well." And so on.

A neighbor of Judge Byington from Berkshire County was Judge Henry W. Bishop of Stockbridge. He was an old Democratic politician and at one time the candidate of his party for Governor. He was not a very learned lawyer, but was quick-witted and picked up a good deal from the arguments of counsel. Aided by a natural shrewdness and sense, he got along pretty well. He had a gift of rather bombastic speech. His exuberant eloquence was of a style more resembling that prevalent in some other parts of the country than the more sober and severe fashion of New England. Just before he came to the Bench he was counsel in a real estate case in Springfield where Mr. Chapman, afterward Chief Justice of the Supreme Court, was on the other side. The evidence of recent occupation and the monuments tended in favor of Chapman's client. But it turned out that the one side had got a title under the original grant of the town of Blandford, and the other under the original grant of an adjoining town, and that the town line had been maintained from the beginning where Bishop claimed the true line to be. When he came to that part of the case, he rose mightily in his stirrups. Turning upon Chapman, who was a quiet, mild-mannered old gentleman, he said: "The gentleman's eyes may twinkle like Castor and Pollux, twin stars; but he can't wink out of sight that town line of Blandford. He may place one foot on Orion and the other on Arcturus, and seize the Pleiades by the hair and wring all the water from their dripping urns; but he can't wash out that town line of Blandford." The local newspaper got hold of the speech and reported it, and it used to be spoken occasionally by the school boys for their declamation. Bishop is said to have been much disturbed by the ridicule it created, and to have refused ever to go to Springfield again on any professional employment.

Judge Aldrich was appointed to the Bench of the Superior Court of Massachusetts by Governor William B. Washburn after I left the practice of law for public life. I appeared before him in a very few cases and must take his judicial quality largely from the report of others. He was a very powerful and formidable advocate, especially in cases where moral principles or the family relations were concerned, or where any element of pathos enabled him to appeal to the jury. The most tedious hours of my life, I think, have been those when I was for the defendant and he for the plaintiff, and I had to sit and listen to his closing argument in reply to mine. He had a gift of simple eloquence; the influence with juries which comes from earnestness and the profound conviction of the righteousness of the cause he had advocated, and the weight of an unsullied personal character and unquestioned integrity.

Mr. Aldrich's appointment to the Bench came rather late in his life, so he was not promoted to the Supreme Court, which would undoubtedly have happened if he had been younger. He was an excellent

magistrate and the author of one or two valuable law books. Although my chief memories of him are of the many occasions on which I have crossed swords with him, and of battles when our feelings and sympathy were profoundly stirred, still they are of the most affectionate character. He had a quick temper and was easily moved to anger in the trial of a case. But as an eminent western Judge is reported to have said in speaking of some offence that had been committed at the Bar, "This Court herself are naterally quick-tempered." So the sparks of our quarrels went out as quickly as they were kindled. I think of P. Emory Aldrich as a stanch and constant friend, from whom, so long as his life lasted, I received nothing but friendliest sympathy and constant and powerful support.

Judge Aldrich, as I just said, was a man of quick temper. He was ready to accept any challenge to a battle, especially one which seemed to have anything of a personal disrespect in it. I was present on one occasion when the ludicrous misspelling of a word, it is very likely, saved him from coming to blows with a very worthy and well-known citizen of Worcester County. Colonel Artemus Lee, of Templeton, one of the most estimable citizens of northern Worcester County, a man imperious and quick-tempered, who had been apt to have his own way in the region where he dwelt, and not very willing to give up to anybody, employed me once to bring suit for him against the Town of Templeton to recover taxes which he claimed had been illegally assessed and collected. He was a man whose spelling had been neglected in early youth. Aldrich was for the Town. All the facts showing the illegality of the assessment, of course, were upon the Town records. So we thought if the parties met with their counsel we could agree upon a statement of facts and submit the question of law to the court. We met in Judge Aldrich's office, Colonel Lee and myself and Judge Aldrich and some of the Town officers, to make up the statement. But Mr. Aldrich had not had time to look very deeply into the law of the case, and made some difficulties in agreeing upon the facts, which we thought rather unreasonable. We sat up to a late hour in a hot summer evening trying to get at a statement. At last Lee's patience gave out. He had had one or two hot passages at arms with Mr. Aldrich in the course of the discussion already. He rose to his feet and said in a very loud and angry tone—his voice was always something like that of a bull of Basham—"This is a farce." Aldrich rose from his seat and to the occasion and said very angrily, "What's that you say, Sir?" Lee clenched both fists by his side, thrust his own angry countenance close up to that of his antagonist, and said, "A farce, Sir—F-A-R-S- E, Farce." Aldrich caught my eye as I was sitting behind my client and noticed my look of infinite amusement. His anger yielded to the comedy of the occasion. He burst into a roar of laughter and peace was saved. If Lee had spelled the word farce with a "c," there would have been a battle royal.

CHAPTER XXXIX POLITICAL AND RELIGIOUS FAITH

I close this book with a statement of the political principles which I think define the duty of the American people in the near future, and from which I hope the Republic will not depart until time shall be no more; and of the simple religious faith in which I was bred, and to which I now hold.

They cannot to my mind be separated. One will be found in some resolutions offered in the Senate December 20, 1899. The other in what I said on taking the chair at the National Unitarian Conference, at Washington, in October 1899.

"Mr. Hoar submitted the following resolution:

"WHEREAS the American people and the several States in the Union have in times past, at important periods in their history, especially when declaring their Independence, establishing their Constitutions, or undertaking new and great responsibilities, seen fit to declare the purposes for which the Nation or State was founded and the important objects the people intend to pursue in their political action; and

"WHEREAS the close of a great war, the liberation by the United States of the people of Cuba and Porto Rico in the Western Hemisphere and of the Philippine Islands in the far East, and the reduction of those peoples to a condition of practical dependence upon the United States, constitute an occasion which makes such a declaration proper; Therefore, be it

"Resolved, That this Republic adheres to the doctrines which were in the past set forth in the Declaration of Independence and in its National and State constitutions.

"Resolved, That the purpose of its existence and the objects to which its political action ought to be directed are the ennobling of humanity, the raising from the dust its humblest and coarsest members, and the enabling of persons coming lawfully under its power or influence to live in freedom and in honor under governments in whose forms they are to have a share in determining and in whose administration they have an equal voice. Its most important and pressing obligations are:

"First. To solve the difficult problem presented by the presence of different races on our own soil with

equal Constitutional rights; to make the Negro safe in his home, secure in his vote, equal in his opportunity for education and employment, and to bring the Indian to a civilization and culture in accordance with his need and capacity.

"Second. To enable great cities to govern themselves in freedom, in honor, and in purity.

"Third. To make the ballot box as pure as a sacramental vessel, and the election return as perfect in accord with the law and the truth as a judgment of the Supreme Court.

"Fourth. To banish illiteracy and ignorance from the land.

"Fifth. To secure for every workman and for every working woman wages enough to support a life of comfort and an old age of leisure and quiet, as befits those who have an equal share in a self-governing State.

"Sixth. To grow and expand over the continent and over the islands of the sea just so fast, and no faster, as we can bring into equality and self-government under our Constitution peoples and races who will share these ideals and help to make them realities.

"Seventh. To set a peaceful example of freedom which mankind will be glad to follow, but never to force even freedom upon unwilling nations at the point of the bayonet or at the cannon's mouth.

"Eighth. To abstain from interfering with the freedom and just rights of other nations or peoples, and to remember that the liberty to do right necessarily involves the liberty to do wrong; and that the American people has no right to take from any other people the birthright of freedom because of a fear that they will do wrong with it."

SPEECH ON TAKING THE CHAIR AT THE NATIONAL UNITARIAN CONFERENCE, IN WASHINGTON, OCTOBER, 1899

"The part assigned to me, in the printed plan of our proceedings, is the delightful duty of bidding you welcome. But you find a welcome from each other in the glance of the eye, in the pressure of the hand, in the glad tone of the voice, better than any that can be put into formal words.

From hand to hand the greeting goes;
From eye to eye the signals run;
From heart to heart to bright hope glows;
The seekers of the light are one.

Every Unitarian, man and woman, every lover of God or His Son, every one who in loving his fellow-men loves God and His Son, even without knowing it, is welcome in this company.

"We are sometimes told, as if it were a reproach, that we cannot define Unitarianism. For myself, I thank God that it is not to be defined. To define is to bound, to enclose, to set limit. The great things of the universe are not to be defined. You cannot define a human soul. You cannot define the intellect. You cannot define immortality or eternity. You cannot define God.

"I think, also, that the things we are to be glad of and to be proud of and are to be thankful for are not those things that separate us from the great body of Christians or the great body of believers in God and in righteousness, but in the things that unite us with them. No Five Points, no Athanasian Creed, no Thirty-nine Articles, separate the men and women of our way of thinking from humanity or from Divinity.

"But still, although we do not define Unitarianism, we know our own when we see them. There are men and women who like to be called by our name. There are men and women for whom Faith, Hope, and Charity forever abide; to whom Judea's news are still glad tidings; who believe that one day Jesus Christ came to this earth, bearing a Divine message and giving a Divine example. There are women who bear their own sorrows of life by soothing the sorrows of others; youths who, when Duty whispers low, 'Thou must,' reply, 'I can'; and old men to whom the experience of life has taught the same brave lesson; examples of the patriotism that will give its life for its country when in the right, and the patriotism that will make itself of no reputation, if need be, to save its country from being in the wrong.

"They do not comprehend the metaphysics of a Trinal Unity, nor how it is just that innocence should be punished, that guilt may go free. They do not attribute any magic virtue to the laying on of hands; nor do they believe that the traces of an evil life in the soul can be washed out by the sprinkling of a few drops of water, however pure, or by baptism in any blood, however innocent, in the hour of death. But they do understand the Ten Commandments and the Golden Rule, and they know and they love and

they practise the great virtues which the Apostle tells us are to abide.

"I think there can be found in this country no sectarianism so narrow, so hide-bound, so dogma-clad, that it would like to blot out from the history of the country what the men of our faith have contributed to it. On the first roll of this Washington parish will be found close together the names of John C. Calhoun and John Quincy Adams. John Quincy Adams had learned from his father and mother the liberal Christian faith he transmitted to his illustrious son. If we would blot out Unitarianism from the history of the country, we must erase the names of many famous statesmen, many famous philanthropists, many great reformers, many great orators, many famous soldiers, from its annals, and nearly all of our great poets from its literature.

"I could exhaust not only the time I have a right to take, but I could fill a week if I were to recall their names and tell the story of their lives. Still less could I speak adequately of the men and women who, in almost every neighborhood throughout the country, have found in this Unitarian faith of ours a stimulant to brave and noble lives and a sufficient comfort and support in the hour of a brave death. As I stand here on this occasion, my heart is full of one memory,—of one who loved our Unitarian faith with the whole fervor of his soul, who in his glorious prime, possessing everything which could make life happy and precious, the love of wife and children and friends, the joy of professional success, the favor of his fellow-citizens, the fulness of health, the consciousness of high talent, heard the voice of the Lord speaking from the fever-haunted hospital and the tropical swamp, and the evening dews and damps, saying, 'Where is the messenger that will take his life in his hand, that I may send him to carry health to my stricken soldiers and sailors?' When the Lord said, 'Whom shall I send?' he answered, 'Here am I: send me.'*

[Footnote]

* Sherman Hoar, who after a brilliant public and professional career, gave his life to his country by exposure in caring for the sick soldiers of the Spanish war.

[End of Footnote]

"The difference between Christian sects, like the difference between individual Christians, is not so much in the matter of belief or disbelief of portions of the doctrine of the Scripture as in the matter of *emphasis*. It is a special quality and characteristic of Unitarianism that Unitarians everywhere lay special emphasis upon the virtue of Hope. It was said of Cromwell by his secretary that hope shone in him like a fiery pillar when it had gone out in every other.

"There are two great texts in the Scripture in whose sublime phrases are contained the germs of all religion, whether natural or revealed. They lay hold on two eternities. One relates to Deity in his solitude—'Before Abraham was, I am.' The other is for the future. It sums up the whole duty and the whole destiny of man: 'And now abideth Faith, Hope, and Charity,—these three.' If Faith, Hope, and Charity abide, then Humanity abides. Faith is for beings without the certainty of omniscience. Hope is for beings without the strength of omnipotence. And Charity, as the apostle describes it, affects the relations of beings limited and imperfect to one another.

"Why is it that this Christian virtue of Hope is placed as the central figure of the sublime group who are to accompany the children of God through their unending life? It is because without it Faith would be impossible and Charity would be wasted.

"Hope is that attribute of the soul which believes in the final triumph of righteousness. It has no place in a theology which believes in the final perdition of the larger number of mankind. Mighty Jonathan Edwards,—the only genius since Dante akin to Dante,—could you not see that, if your world exist where there is no hope and where there is no love, there can be no faith? Who can trust the promise of a God who has created a Universe and peopled it with fiends? The Apostle of your doleful gospel must preach quite another Evangel: And now abideth Hate, and now abideth Wrath, and now abideth Despair, and now abideth Woe unutterable. With Hope, as we have defined it,—namely, the confident expectation of the final triumph of righteousness,—we are but a little lower than the angels; without it we are but a kind of vermin.

"The literature of free countries is full of cheer: the story ends happily. The fiction of despotic countries is hopeless. People of free countries will not tolerate a fiction which teaches that in the end evil is triumphant and virtue is wretched. Want of hope means either distrust of God or a belief in the essential baseness of man or both. It teaches men to be base. It makes a country base. A world wherein there is no hope is a world where there is no virtue. The contrast between the teacher of hope and the teacher of despair is to be found in the pessimism of Carlyle and the serene cheerfulness of Emerson. Granting to the genius of Carlyle everything that is claimed for it, I believe that his chief title hereafter to respect as a moral teacher will be found in Emerson's certificate.

"But I must not detain you any longer from the business which waits for this convention. It is the last time that I shall enjoy the great privilege and honor of occupying this chair.

"Perhaps I may be pardoned, as I have said something of the religious faith of my fellow Unitarians, if I declare my own, which I believe is theirs also. I have no faith in fatalism, in destiny, in blind force. I believe in God, the living God, in the American people, a free and brave people, who do not bow the neck or bend the knee to any other, and who desire no other to bow the neck or bend the knee to them. I believe that the God who created this world has ordained that his children may work out their own salvation and that his nations may work out their own salvation by obedience to his laws without any dictation or coercion from any other. I believe that liberty, good government, free institutions, cannot be given by any one people to any other, but must be wrought out for each by itself, slowly, painfully, in the process of years or centuries, as the oak adds ring to ring. I believe that a Republic is greater than an Empire. I believe that the moral law and the Golden Rule are for nations as well as for individuals. I believe in George Washington, not in Napoleon Bonaparte; in the Whigs of the Revolutionary day, not in the Tories; the Chatham, Burke, and Sam Adams, not in Dr. Johnson or Lord North. I believe that the North Star, abiding in its place, is a greater influence in the Universe than any comet or meteor. I believe that the United States when President McKinley was inaugurated was a greater world power than Rome in the height of her glory or even England with her 400,000,000 vassals. I believe, finally, whatever clouds may darken the horizon, that the world is growing better, that to-day is better than yesterday, and to-morrow will be better than to-day."

CHAPTER XL EDWARD EVERETT HALE

To give a complete and truthful account of my own life, the name of Edward Everett Hale should appear on almost every page. I became a member of his parish in Worcester in August, 1849. Wherever I have been, or wherever he has been, I have been his parishioner ever since. I do not undertake to speak of him at length not only because he is alive, but because his countrymen know him through and through, almost as well as I do.

He has done work of the first quality in a great variety of fields. In each he has done work enough to fill the life and to fill the measure of fame of a busy and successful man. I have learned of him the great virtue of Hope; to judge of mankind by their merits and not their faults; to understand that the great currents of history, especially in a republic, more especially in our Republic, are determined by great and noble motives and not by mean and base motives.

In his very best work Dr. Hale seems always to be doing and saying what he does and says extempore, without premeditation. Where he gets the time to acquire his vast stores of knowledge, or to think the thoughts we all like to hear, nobody can tell. When he speaks or preaches or writes, he opens his intellectual box and takes the first appropriate thing that comes to hand.

I do not believe we have a more trustworthy historian than Dr. Hale, so far as giving us the motive and pith and essence of great transactions. He is sometimes criticised for inaccuracy in dates or matters that are trifling or incidental. I suppose that comes from the fact that while he stores away in his mind everything that is essential, and trusts to his memory for that, he has not the time, which less busy men have, to verify every unsubstantial detail before he speaks or writes. Sir Thomas Browne put on record his opinion of such critics in the "Christian Morals."

"Quotation mistakes, inadvertency, expedition and human Lapses, may make not only Moles but Warts in learned Authors, who notwithstanding, being judged by the capital matter, admit not of disparagement. I should unwillingly affirm that Cicero was but slightly versed in Homer, because in his Work *De Gloria* he ascribed those verses unto Ajax, which were delivered by Hector. Capital Truths are to be narrowly eyed, collateral Lapses and circumstantial deliveries not to be too strictly sifted. And if the substantial subject be well forged out, we need not examine the sparks which irregularly fly from it."

When Dr. Hale was eighty years old, his countrymen manifested their affection for him in a manner which I think no other living man could have commanded. It was my great privilege to be asked to say to him what all men were thinking, at a great meeting in Boston. The large and beautiful hall was thronged with a very small portion of his friends. If they had all gathered, the City itself would have been thronged. I am glad to associate my name with that of my beloved teacher and friend by preserving here what I said. It is a feeble and inadequate tribute.

The President of the United States spoke for the whole country in the message which he sent:

WHITE HOUSE, WASHINGTON, Mar. 25, 1902.

My dear Sen. Hoar: I very earnestly wish I could be at the meeting over which you are to preside in honor of the eightieth birthday of Edward Everett Hale. A classical allusion or comparison is always very trite; but I suppose all of us who have read the simpler classical books think of Timoleon in his last days at Syracuse, loved and honored in his old age by the fellow citizens in whose service he had spent the strength of his best years, as one of the noblest and most attractive figures in all history. Dr. Hale is just such a figure now.

We love him and we revere him. We are prouder of our citizenship because he is our fellow citizen; and we feel that his life and his writing, both alike, spur us steadily to fresh effort toward high thinking and right living. To have written "The Man Without a Country" by itself would be quite enough to make all the nation his debtor. I belong to the innumerable army of those who owe him much, and through you I wish him Godspeed now.

Ever faithfully yours,
THEODORE ROOSEVELT.

I spoke as follows:

"If I try to say all that is in my heart to-night, I do not know where to begin. If I try to say all that is in your hearts, or in the hearts of his countrymen, I do not know where to leave off. Yet I can only say what everybody here is silently saying to himself. When one of your kindred or neighbors comes to be eighty years old, after a useful and honored life, especially if he be still in the vigor of manly strength, his eye not dim or his natural force abated, his children and his friends like to gather at his dwelling in his honor, and tell him the story of their gratitude and love. They do not care about words. It is enough if there be pressure of the hand and a kindly and loving glance of the eye. That is all we can do now. But the trouble is to know how to do it when a man's friends and lovers and spiritual children are to be counted by the millions. I suppose if all the people in this country, and, indeed in all the quarters of the globe, who would like to tell their gratitude to Dr. Hale, were to come together to do it, Boston Common would not hold them.

"There is once in a while, through the quality is rare, an author, a historian, or a writer of fiction, or a preacher, or a pastor, or an orator or poet, or an influential or beloved citizen, who in everything he says or does seems to be sending a personal message from himself. The message is inspired and tintured and charged and made electric with the quality of the individual soul. We know where it comes from. No mask, no shrinking modesty can hide the individuality. Every man knows from whom it comes, and hails it as a special message to himself. We say, That is from my friend to me! The message may be read by a million eyes and reach a million souls. But every one deems it private and confidential to him.

"This is only, when you come to think of it, carrying the genius for private and personal friendship into the man's dealing with mankind. I have never known anybody in all my long life who seemed to me to be joined by the heart-strings with so many men and women, wherever he goes, as Dr. Hale. I know in Worcester, where he used to live; I know in Washington, where he comes too seldom, and where for the last thirty-three years I have gone too often, poor women, men whose lives have gone wrong, or who are crippled in body or in mind, whose eyes watch for Dr. Hale's coming and going, and seem to make his coming and going, if they get a glimpse of him, the event they date from till he comes again. To me and my little household there, in which we never count more than two or three, his coming is the event of every winter.

"Dr. Hale has not been the founder of a sect. He has never been a builder of partition walls. He has helped throw down a good many. But still, without making proclamation, he has been the founder of a school which has enlarged and broadened the Church into the Congregation, and which has brought the whole Congregation into the Church.

"When he came, hardly out of his boyhood, to our little parish in Worcester, there was, so far as I know, no Congregational church in the country whether Unitarian or of the ancient Calvinistic faith, which did not require a special vote and ceremonial of admission to entitle any man to unite with his brethren in commemorating the Saviour as he desired his friends and brethren to remember him by the rite of the last supper. Until then, the Christian communion was but for a favored few. Mr. Hale believed that the greater the sinfulness of the individual soul the greater the need and the greater the title to be taken into the fellowship and the brotherhood of the Saviour of souls. So, without polemical discussion, or any heat of controversy, he set the example which has been so widely followed. This meant a great deal more than the abolition of a ceremonial or the change of a rubric. It was an assertion of the great doctrine, never till of late perfectly comprehended anywhere, that the Saviour of men came into the world inspired by the love of sinners, and not for an elect and an exclusive brotherhood of saints.

"We are not thinking chiefly of another world when we think of Dr. Hale or when we listen to him. He has been telling us all his life that what the theologians call two worlds are but one; that the Kingdom of God is here, within and around you; that there is but one Universe and not two; that the relation of man to God is that of father and child, not of master and slave, or even of sovereign and subject; that when man wields any of the great forces of the Universe, it is God also who is wielding them through him; that the power of a good man is one of God's powers, and that when man is doing his work faithfully the supreme power of God's omnipotence is with him.

"Dr. Hale has done a good many things in his own matchless fashion. He would have left a remarkable name and fame behind him if he had been nothing but a student and narrator of history, as he has studied and told it; if he had been nothing but a writer of fiction—the author of 'The Man Without a Country,' or 'Ten Times One is Ten,' or 'In His Name'—if he had done nothing but organize the Lend a Hand clubs, now found in the four quarters of the world; if he had been nothing but an eloquent Christian preacher; if he had been nothing but a beloved pastor; if he had been only a voice which lifted to heaven in prayer the souls of great congregations; if he had been only a public-spirited citizen, active and powerful in every good word and work for the benefit of this people; if he had been only the man who devised the plan that might have saved Texas from slavery, and thereby prevented the Civil War, and which did thereafter save Kansas; if he had been only remembered as the spiritual friend and comforter of large numbers of men and women who were desolate and stricken by poverty and sorrow; if he had been only a zealous lover of his country, comprehending, as scarcely any other man has comprehended, the true spirit of the American people; if he had been any one of these things, as he has been, it would be enough to satisfy the most generous aspiration of any man, enough to make his life worth living for himself and his race. And yet, and yet, do I exaggerate one particle, when I say that Dr. Hale has been all these, and more?

"Edward Everett Hale has been the interpreter of a pure, simple loving and living faith to thousands and thousands of souls. He has taught us that the fatherhood and tenderness of God are manifested here and now in this world, as they will be hereafter; that the religion of Christ is a religion of daily living; that salvation is the purifying of the soul from sin, not its escape from the consequences of sin. He is the representative and the incarnation of the best and loftiest Americanism. He knows the history of his country, and knows his countrymen through and through. He does not fancy that he loves his country, while he dislikes and despises his countrymen and everything they have done and are doing. The history he loves and has helped to write and to make is not the history of a base and mean people, who have drifted by accident into empire. It is the history of such a nation as Milton conceived, led and guided by men whom Milton would have loved. He will have a high and a permanent place in literature, which none but Defoe shares. He possesses the two rarest of gifts, that to give history the fascination of fiction, and that to give fiction the verisimilitude of history. He has been the minister of comfort in sorrow and of joy in common life to countless persons to whom his friendship is among their most precious blessings, or by whose fireside he sits, personally unknown, yet a perpetual and welcome guest.

"Still, the first duty of every man is to his own family. He may be a warrior or a statesman, or reformer, or philanthropist, or prophet or poet, if he careth not first for his own household, he is worse than an infidel. So the first duty of a Christian minister is still that of a pastor to his own flock. You know better than I do how it has been here in Boston; but every one of our little parish in Worcester, man or woman, boy or girl, has felt from the first time he or she knew him, ever afterward, that Dr. Hale has been taking hold of his hand. That warmth and that pressure abide through all our lives, and will abide to the end. There are countless persons who never saw his face, who still deem themselves his obedient, loving and perpetual parishioners.

"I knew very well a beautiful woman, left widowed, and childless, and solitary, and forlorn, to whom, after every other consolation seemed to have failed to awake her from her sorrow and despair, a friend of her own sex said: 'I thought you were one of Edward Hale's girls.' The appeal touched the right chord and brought her back again to her life of courage and Christian well-doing.

"He has ever been a prophet of good hope and a preacher of good cheer. When you have listened to one of his sermons, you have listened to an evangel, to good tidings. He has never stood aloof from the great battles for righteousness or justice. When men were engaged in the struggle to elevate the race for the good of their fellow men, no word of discouragement has ever come from his lips. He has recalled no memory of old failure in the past. He has never been found outside the ranks railing at or criticising the men who were doing the best work, or were doing the best work they knew how to do. He has never been afraid to tackle the evils that other men think hopeless. He has uttered his brave challenge to foemen worthy of his steel. Poverty and war and crime and sorrow are the enemies with whom he has striven.

"I do not know another living man who has exercised a more powerful influence on the practical life

of his generation. He has taught us the truth, very simple, but somehow nobody ever got hold of it till he did, that virtue and brave living, and helping other men, can be made to grow by geometrical progression. I am told that Dr. Hale has more correspondents in Asia than the London *Times*. I cannot tell how many persons are enrolled in the clubs of which he was the founder and inspirer.

"But I am disqualified to do justice to the theme you have assigned to me. For an impartial verdict you must get an impartial juryman. You will have to find somebody that loves him less than I do. You cannot find anybody who loves him more. To me he has been a friend and father and brother and counsellor and companion and leader and instructor; prophet of good hope, teacher of good cheer. His figure mingles with my household life, and with the life of my country. I can hardly imagine either without him. He has pictured for us the infinite desolation of the man without a country. But when his time shall come, what will be the desolation of the country without the man?

"And now what can we give you who have given us so much? We have something to give you on our side. We bring you a more costly and precious gift than any jewel or diadem, though it came from an Emperor's treasury.

Love is a present for a mighty King.

"We bring you the heart's love of Boston where you were born, and Worcester where you took the early vows you have kept so well; of Massachusetts who knows she has no worthier son, and of the great and free country to whom you have taught new lessons of patriotism, and whom you have served in a thousand ways.

"This prophet is honored in his own country. There will be a place found for him somewhere in the House of many Mansions. I do not know what will be the employment of our dear friend in the world whose messages he has been bringing to us so long. But I like to think he will be sent on some errands like that of the presence which came to Ben Adhem with a great wakening light, rich and like a lily in bloom, to tell him that the name of him who loved his fellow men led all the names of those the love of God had blessed."

APPENDIX THE FOREST OF DEAN BY JOHN BELLOWES

The Forest of Dean, in Gloucestershire, is one of the very few primeval Forests of Britain that have survived to this century. It has just been my privilege to accompany Senator Hoar on a drive through a portion of it, and he has asked me to write a few notes on this visit, for the American Antiquarian Society, in the hope that others of its members may share in the interest he has taken in its archaeology.

I am indebted for many years' acquaintance with George F. Hoar, through Oliver Wendell Holmes, to the circumstance that the Hoar family lived in Gloucester from the time of the Tudors, if not earlier; and this has led him to pay repeated visits to our old city, with the object of tracing the history of his forefathers. In doing this he has been very successful; and only within the last few months my friend H. Y. J. Taylor, who is an untiring searcher of our old records, has come upon an item in the expenses of the Mayor and Burgesses, of a payment to Charles Hoar, in the year 1588, for keeping a horse ready to carry to Cirencester the tidings of the arrival of the Spanish Armada. And Charles Hoar's house is with us to this day, quaintly gabled, and with over-hanging timber-framed stories, such as the Romans built here in the first century. It stands in Longsmith Street, just above the spot where forty years ago I looked down on a beautiful tessellated pavement of, perhaps, the time of Valentinian. It was eight feet below the present surface; for Gloucester, like Rome, has been a rising city.

Senator Hoar had been making his headquarters at Malvern, and he drove over from there one afternoon, with a view to our going on in the same carriage to the Forest. A better plan would have been to run by rail to Newnham or Lydney, to be met by a carriage from the "Speech House," a government hotel in the centre of the woods; but as the arrangement had been made we let it stand.

To give a general idea of the positions of the places we are dealing with, I may say that Upton Knoll, where I am writing, stands on the steep edge of a spur of the Cotteswold Hills, three and a half miles south of Gloucester. Looking north, we have before us the great vale, or rather plain, of the Severn, bounded on the right by the main chain of the Cotteswolds, rising to just over one thousand feet; and on the left by the hills of Herefordshire, and the beautiful blue peaks of the Malverns; these last being by far the most striking feature in the landscape, rising as they do in a sharp serrated line abruptly from the plain below. They are about ten miles in length, and the highest point, the Worcestershire Beacon, is some fourteen hundred feet above the sea. It is the spot alluded to in Macaulay's lines on the Armada—

Till twelve fair counties saw the blaze on Malvern's lonely height;

and two hundred years before the Armada it was on "Malvern hulles" that William Langland "forwandered" till he fell asleep and dreamed his fiery "Vision of Piers Plowman"—

In a somere season, when softe was the sonne

when, looking "esteward, after the sonne" he beheld a castle on Bredon Hill

Truth was ther-ynne

and this great plain, that to him symbolized the world.

A fair feld ful of folke fonde ich ther bytwyne;
Alle manere of men; the meme and the ryche.

Now, in the afternoon light, we can see the towns of Great and North Malvern, and Malvern Wells, nestling at foot of the steep slant; and eight miles to the right, but over thirty from where we stand, the cathedral tower of Worcester. The whole plain is one sea of woods with towers and steeples glinting from every part of it; notably Tewkesbury Abbey, which shines white in the sunlight some fourteen miles from us. Nearer, and to the right, Cheltenham stretches out under Cleeve Hill, the highest of the Cotswolds; and to the left Gloucester, with its Cathedral dwarfing all the buildings round it. This wooded plain before us dies away in the north into two of the great Forests of ancient Britain; Wyre, on the left, from which Worcester takes its name; and Feckenham, on the right, with Droitwich as its present centre. Everywhere through this area we come upon beautiful old timber-framed houses of the Tudor time or earlier; Roman of origin, and still met with in towns the Romans garrisoned, such as Chester and Gloucester, though they have modernized their roofs, and changed their diamond window panes for squares, as in the old house of Charles Hoar's, previously mentioned.

Now if we turn from the north view to the west, we get a different landscape. Right before us, a mile off, is Robin's Wood Hill, a Cotswold outlier; in Saxon times called "Mattisdun" or "Meadow-hill," for it is grassed to the top, among its trees. "Matson" House, there at its foot, was the abode of Charles I. during his siege of Gloucester in 1643. To the left of this hill we have again the Vale of the Severn, and beyond it, a dozen miles away, and stretching for twenty miles to the southwest are the hills of the Forest of Dean. They are steep, but not lofty—eight hundred or nine hundred feet. At their foot yonder, fourteen miles off, is the lake-like expanse of the Severn; and where it narrows to something under a mile is the Severn Bridge that carries the line into the Forest from the Midland Railway. Berkeley Castle lies just on the left of it, but is buried in the trees. Thornbury Tower, if not Thornbury Castle, further south, is visible when the sun strikes on it. Close to the right of the bridge is an old house that belonged to Sir Walter Raleigh; and, curiously enough, another on the river bank not far above it is said to have been occupied by Sir Francis Drake just before the coming of the Armada. The Duke of Medina Sidonia, who commanded the Spanish fleet, was ordered to detach a force as soon as he landed, to destroy the Forest of Dean, which was a principal source for timber for the British navy; and it is probable that the Queen's ministers were aware of this and took measures in defence, with which Drake had to do.

Two miles lower than the bridge is the Forest port of Lydney, now chiefly used for shipping coal; and as the ex-Verderer of the Forest resides near it, and he would be able to furnish information of interest to our American visitor, we decided to drive to Lydney to begin.

It was too late to start the same day, however; and Senator Hoar stayed at Upton, where his visit happens to mark the close of what is known as the "open-field" system of tillage; a sort of midway between the full possession of land by freehold, and unrestricted common rights. The area over which he walked, and which for thousands of years has been divided by "meres" and boundary stones, is now to be enclosed, and so will lose its archaeological claims to interest. In one corner of it, however, there still remains a fragment of Roman road, with some of the paving stones showing through the grass of the pasture field. The name of this piece of land gives the clue to its history. It is called Sandford; a corruption of Sarn Ford, from *sarnu* (pronounced "sarney") *to pave*; and *fford*, a road. These are Celtic Cornish and Welsh words; and it should be noted that the names of the Roman roads in the Island as well as those of the mountains and rivers, are nearly all Celtic, and not Latin or Saxon.*

[Footnote] * The Whitcombe Roman Villa, four miles east of Upton, stands in a field called Sandals. In Lyson's description of it, written in 1819 it stands as *_Sarn_dells*. The paved road ran through the dell.
[End of Footnote]

We made a short delay in the morning, at Gloucester, to give Senator Hoar time to go on board the boat "Great Western" which had just arrived in our docks from Gloucester, Massachusetts, to visit the mother city, after a perilous voyage across the Atlantic by Captain Blackburn single-handed. Senator

Hoar having welcomed the captain in his capacity of an old Englishman and a New Englander "rolled into one," we set out for Lydney, skirting the bank of one arm of the Severn which here forms an island. It was on this Isle of Alney that Canute and Edmund Ironside fought the single-handed battle that resulted in their dividing England between them.* We pass on to the Island at Westgate Bridge; and a quarter of a mile further leave it by Over Bridge; one of Telford's beautiful works. Just below it the Great Western Railway crosses the river by an iron bridge, the western piers of which rest upon Roman foundations.

[Footnote]

* Sharon Turner's "Anglo Saxons," Vol. III., Chap. XV.

[End of Footnote]

One remarkable thing which I believe I forgot to mention to George Hoar as we crossed the Island, is, that the meadows on both sides of the causeway belong to the "Freemen" of the city; and that, go back as far as we may in history, we cannot find any account of the original foundation of this body. But we have this clue to it—that Gloucester was made into a Colony in the reign of Nerva, just before the end of the first century; and in each Roman colony lands were allotted to the soldiers of the legions who had become freemen by reason of having served for twenty-five years. These lands were always on the side of the city nearest the enemy; and the lands we are crossing are on the western side of Glevum, nearest the *Silures*, or South Welsh, who were always the most dangerous enemies the Romans had in Britain. Similarly, at Chester, the freemen's lands are on the west, or enemy's side, by the Dee. In Bath it was the same.

Immediately after passing "Over" Bridge we might turn off, if time permitted, to see Lassington Oak, a tree of giant size and unknown age; but as Emerson says—

There's not enough for this and that—
Make thy option which of two!

and we make ours for Lydney. A dozen miles drive, often skirting the right bank of the Severn, brings us to Newnham, a picturesque village opposite a vast bend, or horse-shoe, of the river, and over which we get a beautiful view from the burial ground on the cliff. The water expands like a lake, beyond which the woods, house-interspersed, stretch away to the blue Cotteswold Hills; the monument to William Tyndale being a landmark on one of them—Nibley Knoll. Just under that monument was fought the last great battle between Barons. This battle of Nibley Knoll, between Lord Berkeley and Lord Lisle, left the latter dead on the field, at night, with a thousand of the men of the two armies; and made Lord Berkeley undisputed master of the estates whose name he bore.

We now leave the river, and turn inland; and in a short time we have entered the Forest of Dean proper; that is, the lands that belong to the Crown. Their area may be roughly set down as fifteen miles by ten; but in the time of the Conqueror, and for many years after, it was much larger; extending from Ross on the north, to Gloucester on the east, and thence thirty miles to Chepstow on the south-west. That is, it filled the triangle formed by the Severn and the Wye between these towns. It is doubtless due to this circumstance of its being so completely cut off from the rest of the country by these rivers that it has preserved more remarkably than any other Forest, the characteristics and customs of ancient British life, to which we shall presently refer; for their isolation has kept the Dean Foresters to this hour a race apart.

Sir James Campbell, who was for between thirty and forty years the chief "Verderer," or principal government officer of the Forest, lives near Lydney. He received us with great kindness, and gave us statistics of the rate of growth of the oak, both with and without transplantation. Part of them are published in an official report on the Forest (A 12808. 6/1884. Wt. 3276. Eyre & Spottiswoode, London) and part are in manuscript with which Senator Hoar has been presented. Briefly, the chief points are these:

In 1784 or thereabouts acorns were planted in "Acorn Patch Enclosure" in the Forest; and in 1800 trees marked A and B were taken from this place and planted opposite the "Speech House." Two, marked D and F, were drawn out of Acorn Patch in 1807 and planted near the Speech House fence. Another, marked N, was planted in 1807, five and one-half feet high, in the Speech House grounds, next the road; and L, M, N, X, have remained untransplanted in the Acorn Patch.

The dimensions were (circumference, six feet from the ground),
in inches—

A B D F L M N X

In 1814, Oct. 5, 14-3/4 14 11 9-1/2 15-5/8 18-1/2 13 24-1/2

1824, Oct. 20, 29-1/2 28-3/4 25-3/8 22-1/8 22-1/2 23-3/4 30-1/8 32-1/8

1844, Oct. 5, 58-1/2 58 45 46 35 34-1/2 57 44-1/2

Another experiment tried by Sir James Campbell himself gave the following results:

Experiment begun in 1861 to test the value, if any, of merely lifting and replanting oak trees in the same holes without change of soil, situation, or giving increased space; as compared with the experiment already detailed, which was begun in 1800.

In 1861, twelve oak trees of about 25 years' growth, which had been self-sown (dropping from old trees afterwards cut down) in a thick plantation, were selected, all within gunshot of each other, and circumferences measured at five feet from the ground. Of these, six were taken up and immediately replanted in the same holes. The other six were not interfered with at all.

Aggregate admeasurement of six Aggregate admeasurement of six
dug up and replanted. Marked not interfered with. Marked in
in *white* paint 1, 2, 3, &c. *red* paint 1, 2, 3, &c.

1861, 24-1/2 inches 27 inches (*i. e.*, 2-1/2 inches more
than the transplanted ones,
at starting.)

1866, 37-3/4 " 46-1/2 " (*i. e.*, 10-7/8 inches more
than the transplanted ones
at starting.)

1886, 118-1/4 " 118-5/8 " (*i. e.*, the transplanted
ones had now *regained*
10-1/2 inches.)

1888, 125-1/2 " 123-1/2 " (The transplanted trees in '88
had outgrown the others by
2 ins.)

1890, 133-7/8 " 128 " (The transplanted trees in '90
had outgrown the others by
5-7/8 ins.)

1892, 141 " 131-1/4 " (The transplanted trees in '92
had outgrown the others by
9-3/4 ins.)

Thus proving that merely transplanting is beneficial to oaks; the benefit, however, being greater when the soil is changed and more air given.*

[Footnote] * The Earl of Ducie, who has had very large experience as an arboriculturist, does *not* hold the view that oaks are benefited by transplanting, if the acorns are sown *in good soil*. In the case of trees that show little or no satisfactory progress after four years, but are only just able to keep alive, he cuts them down to the root. In the next season 80 per cent. of them send up shoots from two to three feet high, and at once start off on their life's mission. [End of Footnote]

From Lydney a drive of a few miles through pleasant ups and downs of woodland and field, brings us to Whitmead Park, the official residence of the Verderer, Philip Baylis. The title "Verderer" is Norman, indicating the administration of all that relates to the "Vert" or "Greenery" of the Forest; that is, of the timber, the enclosures, the roads, and the surface generally. The Verderer's Court is held at the "Speech House," to which we shall presently come: but the Forest of Dean is also a mineral district, and the Miners have a separate Court of their own. That some of their customs go back to a very remote antiquity we may well believe when we find the scale of which the Romans worked iron in the Forest; a scale so great that with their imperfect method of smelting with Catalan furnaces, etc., so much metal was left in the Roman cinder that it has been sought after all the way down to within the present generation as a source of profit; and in the time of Edward I., one-fourth of the king's revenue from this Forest was derived from the remelted Roman refuse.

I have a beautiful Denarius of Hadrian which was found in the old Roman portion of the Lydney-Park Iron Mine in 1854, with a number of other silver coins, some of them earlier in date; but when we speak of the "mines," the very ancient ones in the Forest were rather deep quarries than what would now be termed mines. As we drive along we now and then notice near the roadside, nearly hidden by the dense foliage of the bushes, long dark hollows, which are locally known as "*scowles*," another Celtic word meaning gorges or hollows; something like ghyll in the Lake District, "Dungeon Ghyll," and so on. These were Roman and British Hematite mines. If we had been schoolboys I would have taken Senator Hoar down into a scowl and we should both have come back with our clothes spoiled, and our arms full of the splendid hartstongue ferns that cover the sides and edges of the ravine. But they are dangerous places for any but miners *or* schoolboys; and I shrank from encouraging an enthusiastic American to risk being killed in a Roman pit, even with the ideal advantage of afterwards being buried with his own

ancestors in England! So I said but little about them.

The Miners' Court is presided over by another government officer, called the "Gaveller"; from a Celtic word which means *holding*; as in the Kentish custom of "Gavelkind."* These courts are held in "Saint Briavels" (pronounced "Brevels") Castle: a quaint old building of the thirteenth century, on the western edge of the Forest, where it was placed to keep the Welsh in check. It looks down on a beautiful reach of the river Wye at Bigswear; and it was just on this edge that Wordsworth stood in 1798, when he thought out his "Lines composed a few miles above Tintern Abbey," etc.

Five years have passed; five summers, with the length
Of five long winters; and again I hear
These waters rolling from their mountain springs
With a soft inland murmur. Once again
Do I behold these steep and lofty cliffs.

Senator Hoar will recall the scene from the railway below: the

"Plots of cottage ground" that "lose themselves
'Mid groves and copses";

and he will say how exactly the words describe

These hedge-rows; hardly hedge-rows; little lines
Of sportive wood run wild,

for they cover yards in width in some places, as he will remember my pointing out to him. The castle is placed on the outside of the Forest and close on the Wye, to guard what was seven centuries ago the frontier of Wales; and the late William Philip Price (Commissioner of Railways and for many years member of Parliament for Gloucester) told me that when he was a boy the Welsh tongue was still spoken at Landogo, the next village down the river, midway between Bigswear and Tintern.

[Footnote]

* I suspect "Gaffer," the English equivalent of "Boss," may be the same root: *i. e.*, the *taker* or contractor.

[End of Footnote]

Philip Baylis showed us some of the old parchments connected with the Mine Court; one document especially precious being a copy of the "Book of Denys," made in the time of Edward III. It sets forth the ancient customs which formed the laws of the miners. At this point the Verderer had to settle some matter of the instant, but he put us under the care of a young man who acted as our guide to one of the ancient and giant oaks of the Forest, on the "Church Hill" enclosure, about three-quarters of a mile up the hill above the Park. Nicholls ("History of the Forest of Dean," page 20) thinks the name Church Hill comes from the setting apart of some land here for the Convent of *Grace Dieu* to pay for masses for the souls of Richard II., his ancestors and successors.

It was a steep climb; and the evening twilight was coming on apace as we followed the little track to the spot where the old oak rises high above the general level of the wood, reminding one of Rinaldo's magical myrtle, in "Jerusalem Delivered":

O'er pine, and palm, and cypress it ascends;
And towering thus all other trees above
Looks like the elected queen and genius of the grove!

Only that for an *oak* of similar standing we must say "king" instead of "queen"; emblem as it is of iron strength and endurance.

It is not so much the girth of the tree as its whole bearing that impresses a beholder; and I do not think either of us will forget its effect in the gloom and silence and mystery of the gathering night.

Resisting a kindly pressure to stay the night at Whitmead, that we might keep to our programme of sleeping at the Speech House, we started on the last portion of the long day's drive. The road from Parkend, after we have climbed a considerable hill, keeps mostly to the level of a high ridge. It is broad and smooth; and the moonlight and its accompanying black shadows on the trees made the journey one of great beauty; while the mountain air lessened the sense of fatigue that would otherwise have pressed heavily on us after so long a day amid such novel surroundings. The only thing to disturb the solitude is the clank of machinery; and the lurid lights, as we pass a colliery; and then a mile or two more with but the sound of our own wheels and the rhythm of the horses' feet, and we suddenly draw up at an hotel in the midst of the Forest, its quiet well-lighted interior inviting us through the doorway,

left open to the cool summer night air. We are at the Speech House. We had bespoke our rooms by wire in the morning: Senator Hoar had a *chambre d'honneur*, with a gigantic carved four-post bed that reminded him of the great bed of Ware. His room like my "No. 5," looked out over magnificent bays of woodland to the north. The Speech House is six hundred feet above the sea, and the mountain breeze coming through the wide open window, with this wonderful prospect of oak and beech and holly in the moonlight,—the distance veiled, but scarcely veiled, by the mist, suggest a poem untranslatable in words, and incommunicable except to those who have passed under the same spell. We speak of a light that makes darkness visible; and similarly there are sounds that deepen the long intervals of silence with which they alternate. One or two vehicles driving past; now and then the far-off call of owls answering one another in the woods—one of the sweetest sounds in nature—the varying cadence carrying with it a sense of boundlessness and infinite distance; and with it we fall asleep.

If there is anything more beautiful than a moonlight summer night in the heart of the Forest of Dean, it is its transformation into a summer morning, with the sparkle of dew on the grass, and the sunrise on the trees; with the music of birds, and the freshness that gives all these their charm.

As soon as we are dressed we take a stroll out among the trees. In whichever direction we turn we are struck by the abundance of hollies. I believe there are some three thousand full grown specimens within a radius of a mile of the Speech House. This may be due to the spot having been from time immemorial the central and most important place in the Forest. The roads that lead to it still show the Roman paving-stones in many places, as Senator Hoar can bear witness; and the central point of a British Forest before the Roman time would be occupied by a sacred oak. The Forest into which Julius Caesar pursued the Britons to their stronghold, was Anderida, that is, the Holy Oak; from *dar*, oak (Sanskrit, *daru*, a tree), and *da*, good. It is worth remarking that this idea survives in the personal name, Holyoak; for who ever heard of "Holyelm," or "Holyash," or a similar form compounded of the adjective and the name of any other tree than the oak. If there is an exception it is in the name of the *holly*. The Cornish Celtic word for holly was Celyn, from Celli (or Kelli), a grove; literally a *grove-one*; so that the holly was probably planted as a grove or screen round the sacred oak. Such a planting of a holly grove in the central spot of the Forest in the Druid time, would account for these trees being now so much more numerous round the Speech House than they are in any other part of the woods. The Saxon name is merely the word *holy* with the vowel shortened, as in *_holi_day*; and that the tree really was regarded as holy is shown by the custom in the Forest Mine Court of taking the oath on a stick of holly held in the hand. This custom survived down to our own times; for Kedgwin H. Fryer, the late Town Clerk of Gloucester, told me he had often seen a miner sworn in the Court, touching the Bible with the holly stick! The men always kept their caps on when giving evidence to show they were "Free miners."

The oaks, marked A. B., of whose growth statistics have already been given, stand on the side of the Newnham road opposite the Speech House. The Verderer is carrying on the annual record of their measurements.

We return to the house by the door on the west; the one at which we arrived last evening. It was then too dark to observe that the stone above it, of which I took a careful sketch several years ago, is crumbling from the effects of weather, after having withstood them perfectly for two centuries. The crown on it is scarcely recognizable; and the lettering has all disappeared except part of the R.

We breakfast in the quaint old Court room. Before us is the railed-off dais, at the end, where the Verderer and his assistants sit to administer the law. On the wall behind them are the antlers of a dozen stags; reminders of the time, about the middle of the present century, when the herds of deer were destroyed on account of the continual poaching to which they gave occasion. Many of the cases that come before the Court now are of simple trespass.

This quaint old room, with its great oak beam overhead, and its kitchen grate wide enough to roast a deer—this strange blending of an hotel dining-room and a Court of Justice, has nevertheless a link with the far distant past more wonderful than anything that has come down to us in the ruins of Greece or Rome.

Look at the simple card that notifies the dates of holding the Verderer's Court. Here is an old one which the Verderer, Philip Baylis, has kindly sent to Senator Hoar in response to his request for a copy.

V. R.

Her Majesty's Forest of Dean,
Gloucestershire,
VERDERERS' COURT.

Verderers:

Charles Bathurst, Esq. Sir Thomas H.
Crawley-Boevey, Bart.

Maynard Willoughby Colchester-Wemyss, Esq.

Russell James Kerr, Esq.

Deputy-Surveyor:

Philip Baylis, Esq.

Steward:

James Wintle.

—NOTICE—

The VERDERERS of Her Majesty's Forest of Dean hereby give Notice that the COURT of ATTACHMENT of our Sovereign Lady the Queen for the said Forest will be holden by adjournment, at the Speech House, in the said Forest, at half-past Two o'clock, in the afternoon, on the following days during the year 1897, viz.:

Wednesday, the 27th January;

Monday, the 8th March;

Saturday, the 17th April;

Thursday, the 27th May;

Tuesday, the 6th July;

Monday, the 16th August;

Friday, the 24th September;

Wednesday, the 3rd November;

Monday, the 13th December;

James Wintle,

Steward.

Newnham, 1st January, 1897.

Many years ago I stood in the Court Room examining a similar notice, puzzled at the absence of any system or order in the times appointed for the sittings, which did not come once a month, or every six weeks; and did not even fall twice in succession on the same day of the week. Turning to the landlord of the hotel I asked, "What is the rule for holding the Court? *When* is it held?" "*Every forty days at twelve o'clock at noon*" was the reply. Reflection showed that so strange a periodicity related to no notation of time with which we are now in touch; it must belong to a system that has passed away; but what could this be?

We are reminded by the date of the building we are in (1680), that the room itself cannot have been used for much more than two centuries for holding the Courts.

But there was a Verderer's Court held in several Forests besides this Forest of Dean, long before the Stuart days. The office itself is mentioned in Canute's Forest charter, dating back nearly nine hundred years; and as at that period about a third of England was covered with Forests, their influence must have been very powerful; and local laws and customs in them must have been far too firmly established for such a man as Canute to alter them. He could only have confirmed what he found; much as he confirmed the laws of nature as they affected the tides at Southampton!

The next Forest Charter of national importance after Canute's, is that of Henry III., in 1225. It is clear that he, again, made no material change in the old order of things; and in recapitulating the old order of the Forest Courts, he ordains that the Court of Attachment (called in Dean Forest the Court of the Speech) was to be held *every forty days*. This Court was one of first instance, simply for the hearing of evidence and getting up the cases for the "Swainmote,"* which came *three times a year*. The Swains were free man; and at their *mote* evidence was required from *three* witnesses in each case, on which the Verderer and other officers of the king passed sentence in accordance with the laws laid down in this Charter. From this Swainmote there was a final appeal to the High Court of the Judges in Eyre (Eyre, from "error" to wander, being the Norman French for Itinerant, or, on Circuit) which was held *once in three years*.

[Footnote] * That the Forest Charter of Hen. III. did not establish these courts is proved from a passage in Manwood, cap. 8, which runs thus: "And the said Swainmotes shal not be kept but within the counties in the which they have been used to be kept." [End of Footnote]

The forty-day court was common to all the ancient forests of Britain; and that they go back to *before* the time of Henry III. is clear from the following extracts from Coke's Fourth Institute, for which I am indebted to the kindness of James G. Wood, of Lincoln's Inn.

CAP. LXXIII.

Of the Forests and the Jurisdiction of the Courts

[p 289] of the Forest.

* * * * *

And now let us set down the Courts of the Forests—Within *every* Forest there are these Courts

1. The Court of the Attachments or the Woodmote Court. This is to kept before the Verderors every forty days throughout the year—and thereupon it is called the Forty-day Court—At this Court the Foresters bring in the Attachments de viridi et venalione [&c &c]

2. The Court of regard or Survey of days is holden every third year [&c &c]

3. The Court of Swainmote is to be holden before the Verderors as judges by the Steward of the Swainmote thrice in every year [&c]

4. ——— The Court of the Justice Seat holden before the Chief Justice of the Forest ——— aptly called Justice in eire ——— and this Court of the Justice Seat cannot be kept oftener than every third year.

[319] *For the antiquity of such Forests within England as we have treated of the best and surest argument therof is that the Forests in England (being in number 69) except the New Forest in Hampshire erected by William the Conqueror as a conqueror, and Hampton Court Forest by Hy 3, by authority of Parliament, are so ancient as no record or history doth make any mention of any of their Erections or beginnings.*

Here then we have clear evidence that nearly seven hundred years ago the Verderer's Court was being held at periods of time that bore no relation to any division of the year known to the Normans or Plantagenets, or, before them, to the Saxons, or even, still earlier, to the Romans. We are, therefore, driven back to the period before the Roman invasion in Britain, and when the Forest legislation was, as Caesar found it, in the hands of the Druids. In his brief and vivid account of these people he tells us that they used the Greek alphabet; and as he also says they were very proficient in astronomy, it seems clear that they had their astronomy from the same source as their literature. Their astronomy involved of necessity their notation of time. And the Greeks, in turn, owed their astronomy to the Egyptians, with whom the year was reckoned as of three hundred and sixty days; and this three hundred and sixty-day year gives us the clue to the forty-day period for holding the Forest Courts in Ancient Britain.

We cannot fail to be struck, as we examine the old Forest customs, with the constant use of the *number three*, as a sacred or "lucky" number, on every possible occasion. We have just seen the role it plays in the Mine Court, with its *three* presiding officials, its jury of multiples of *three* (twelve, twenty-four, forty-eight); its holly stick oath sworn by *three* witnesses. We have notice the Swainmote Court, also requiring *three* witnesses, held *three* times a year, and subordinate to the Court of Eyre held once in *three* years; to which should be added the perambulation of the Forest bounds at the same triennial visit in Eyre, when the king's officers were accompanied by nine foresters in fee (*three threes*) and twenty-four jurors (*eight threes*).

To go fully into the role of the number three in British traditions would require a profound study; but it may be useful briefly to note its influence on the Bardic poetry— the Triads, where the subjects are all grouped in threes. Nor was this predilection confined to the Island. We find it affecting the earliest history of Rome itself, with its *nine* gods ("By the nine gods he swore") and the *nine* books which the Sibyl destroyed by *threes*, till the last *three* were saved. Then we have the evidence in the name *nundina** for a market, that the week was originally a cycle not of seven, but of *nine* days; and our own saying that a given thing is a "*nine days wonder*" is undoubtedly a survival from the period when the nine days made a week,** for such a phrase expresses a round number or unit of time; not nine *separate* days.

[Footnotes] * The Romans meant by *nundinae* periods that were really of eight days; but they made them nine by counting in the one *from* which they started. So accustomed were they to this method of

notation that the priests who had the control of the calendar, upset Julius Caesar's plan for intercalating a day once in *four* years ("Bissextile") by insisting that the interval intended was *three* years! Augustus was obliged to rectify this by dropping the overplus day it occasioned. It is this Roman custom of *inclusive* reckoning which has led to the French calling a week *huit jours*, and a fortnight, *une quinzaine*.

** The word week comes from *wika* (= Norsk *vika*) to bend or *turn*. The idea connected with it was no doubt that of the moon's turning from one of its quarters to the next. I can remember when some of the people in "the Island" in Gloucester always made a point of *turning* any coins they had in their pockets when it was new moon and repeating a sort of invocation to the moon! How or when the nine day week was exchanged by western nations for the seven day one, we do not know; but it is likely that it may have been brought about by the Phoenicians and Jews, who regarded the number *seven* as the Druids regarded *three*—as something especially sacred. They had much of the commerce of Southern Europe in their hands, and, therefore, a certain power in controlling the markets, which it would be a convenience to Jews to *prevent* falling on the sabbath day. The circumstance that the lunar month fitted in with four weeks of seven days no doubt made it easier to effect the change from *nundinae*. [End of Footnotes]

Shakespeare had been struck with the relationship of the *nine* day week, alluded to in the proverb, to the more modern one of seven days, as is shown by his very clever juxtaposition of the two in "As You Like It." In Act III., Scene 2, he makes Celia say to Rosalind

"But didst thou hear *without wondering* how thy name should be hanged and carved upon these trees?"

And Rosalind replies

"I was *seven* of the *nine days out of the wonder* before you came"—*etc.*

Gloucester, down till the Norman time, and after, was the great manufactory of the iron brought from the Forest of Dean. The metal was brought up the Severn by barges, to the quay which stood at the road running straight down from Longsmith Street (in which Charles Hoar's house stands), and buried under all this street we find the cinder and slag of the Roman forges. In Domesday book (which was ordered to be drawn up at a Parliament in Gloucester in 1083) it states that the City had paid to the King (*i. e.*, Edward the Confessor) ten *dicres* of iron yearly. This is very remarkable, for a dicre was three dozen rods or bars; so that the whole tribute was three hundred and sixty bars, or *one bar per day for the Druid year of three hundred and sixty days*.*

[Footnote] * For more than a century after Julius Caesar had altered the year to three hundred and sixty-five days, the Roman soldiers were still paid at the ancient rate of three hundred and sixty days only, losing the rest as "*terminalia*," or days not counted as belonging to the year! The proof of this is that in the time of Domitian a soldier's *year's* pay divided by three hundred and sixty gives an even number of *ases*. [End of Footnote]

And now we come back to the Verderer's Court at the Speech House with a clear reason for its being held "*every forty days at twelve o'clock at noon*."

Forty days was the *ninth* of the Druid year of three hundred and sixty, and was a period of five weeks of eight days each, but which according to the ancient method of counting were called "*nine-days*." And the reason the Court sits "at Twelve o'clock at noon" is because the Druid day began at noon. Even now, within ten miles of where I write, the children on Minchinhampton Common, on the Cotteswold hills, keep up "*old May Day*," which was the opening of the Druid year, though they are ignorant of this. Boys and girls arm themselves on that day with boughs of the beech, and go through certain games with them; but exactly as the clock strikes *twelve* they throw them away, under pain of being stigmatized as "*May fools!*"

Well has Oliver Wendell Holmes put it, that "*All things are in all things!*" Even this commonplace list of Court days in the Forest of Dean becomes a beautiful poem when the light of such a past shines on it; just as the veriest dust of the Krakatoan volcano evolves itself into every color of the rainbow when it rises into the sunset sky.

Since writing this paper I find that Philip Baylis, the Verderer of the Forest of Dean, has kindly sent three or four dozen of young oak trees from the Government plantations, to Washington, in order that they may be planted there and in some other places in the United States, to begin the century with. The State Department of Agriculture has arranged for the planting of these oaks, and the periodical record of their measurements, so that a valuable basis will be established for an experiment that may be carried on for a century, or more; and we, the archaeologists of the nineteenth century, shall have

wiped away the stigma implied in the old Aberdeen Baillie's remark, that as *Posteerity* had never done anything for us, we ought not to do anything for *posteerity*!

The Earl of Ducie has sent, accompanying these Forest of Dean oaks, four small plants, seedlings from the great Chestnut Tree on his Estate at Tortworth; the largest and oldest of its sort in Great Britain. It measures forty-nine feet round the trunk.

Leaving the Speech House for Coleford and Newland we descend a steep hill for half a mile, and crossing the rail at the Station we begin to ascend the opposite rise through the woods. As the carriage climbs slowly up we keep on the lookout for the margin-stones of the Roman paving which here and there show through the modern metaled surface—pieces fifteen to twenty inches long by about five inches in thickness, and set so deep in the ground that eighteen hundred years' wear has never moved them. They are buttressed on the outer edge by similar blocks set four or five inches lower, and themselves forming one side of the solidly paved water-way or gutter which was constructed as part of every such road on a steep gradient, to secure it from abrasion by flood or sudden rush from heavy rainfall. There are many excellent examples of this in the Forest of Dean. We are on the watch, however, for some part where the "*margines*" remain on *both* sides of the way. At last we come upon such a place, and alighting from the carriage we strain the tape measure across at two or three points. The mean we find to be thirteen feet and seven inches. As the Roman foot was just over three per cent. less than ours, this means that the Romans built the road here for a fourteen-foot way. So far as I have examined their roads they were always constructed to certain standard widths—seven feet, nine feet, eleven feet, thirteen feet, fourteen feet, or fifteen feet.

It is not too much to say that most of the main roads in England are Roman; but the very continuity of their use has caused this to be overlooked. All the *old* roads in the Forest of Dean have been pronounced by the Ordnance Surveyors, after close examination, to bear evidences of Roman paving, although for some centuries since then wheel carriages went out of use here!

There is a vivid description in Statius of the making of an imperial-road through such another Forest (if not indeed this very one!) especially worth recalling here, because it was written at very nearly the period of the building of this track over which we are journeying; *i. e.*, near the end of the first century.

The poet stands on a hill from which he can see the effect of the united work of the army of men who are engaged in the construction: perhaps a hundred thousand forced laborers, under the control of the legionary soldiers who act as the engineers. He makes us see and hear with him the tens of thousands of stone cutters and the ring of their tools squaring the "setts"; and then one platoon after another stepping forward and laying down its row of stones followed by rank after rank of men with the paviours' rammers, which rise and fall at the sweep of the band-master's rods, keeping time in a stately music as they advance; the continuous falling and crashing of the trees as other thousands of hands ply the axes along the lines, that creep, slowly, but visibly, on through the Forest that no foot had ever trodden—the thud of the multitudinous machines driving the piles in the marshy spaces; the whole innumerable sounds falling on the ear like the roaring of a great and vast sea.

The language Statius uses is more simple than mine; but this is substantially the picture he gives: and I know of nothing that so impresses on the imagination the thunder of the power of the Roman Empire as this creation in the wilderness, in one day, of an iron way that shall last for all time.

We are here in the sweet silence of a summer morning, eighteen hundred years after such a scene, and able mentally to catch some glimpse of it; some echo of the storm that has left behind it so ineffaceable a mark.

"I intended to ask you just now whether the man you spoke to in the road was a typical native of the district?" said Senator Hoar. "He was dark and swarthy, with very black hair and piercing eyes; not at all like the majority of people we see in Gloucester for instance." "Yes, he is a typical Forester"; exactly such a man as Tacitus describes his Silurian ancestors; so Spanish in appearance that he tries to account for it by remarking that "*that part of Britain lies over against Spain*"; as if it was such a short run across the Bay of Biscay to the upper end of the Bristol Channel that nothing would be more natural than for Spaniards to sail over here with their wives and families and become Silures!

These Western Britons, both here in the Forest and in Cornwall certainly remind one of Spaniards. The type is of an older Celtic than that of the present Welsh people proper, as some evidences in the language also point to the occupation being an older one. With respect to this particular district of the Forest and the East of Monmouthshire, one more element must not be left out of the account; and that is, that Caerleon was founded by the second legion being removed to it from Gloucester about the time this road was made; and that it remained for three hundred years the headquarters of that legion, which was a Spanish one raised in the time of Augustus. Forty years ago I remember being at Caerleon (two and one half miles from Newport), when I met the children of the village coming out of school. It

was hard to believe they were not Spanish or Italian!

At all events this part of Britain lies over against Boston; and Americans can cross over and see Caerleon for themselves more easily than the people could, of whom Tacitus wrote.

INDEX [omitted]

[Transcriber's notes:

Typed into MS-DOS Editor under Windows XP, using 7-bit characters only. Several errors of punctuation or of single letters have been corrected. The author uses both "contemporary" and "cotemporary."

The Latin has not been checked for spelling, grammar, or sense. The one Greek quotation (of two words) has been omitted.

Words have been hyphenated at the ends of lines only when the words are hyphenated elsewhere in the text or in common usage.]

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