

LIFE SKETCHES

OF

EMINENT LAWYERS,

AMERICAN, ENGLISH AND CANADIAN,

TO WHICH IS ADDED

THOUGHTS, FACTS AND FACETIÆ.

IN TWO VOLUMES.

BY
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WILLIAM WIRT, MARYLAND.

(1772-1834.)

Twelve years Attorney General of the United States—a longer time than ever held by any other person. Born at Bladensburg, Maryland, November 8, 1772; died at Washington, February 18, 1834, aged sixty-one. Lost both his parents (one Swiss, the other German) before he was eight years old. He managed to get a good education through the kindness of friends and by his own exertions. Was a private tutor, read law, was admitted at twenty and settled at Culpeper Court House, Virginia. Practiced in various parts of that State, chiefly at Richmond, where he won his first real distinction in the famous trial of Aaron Burr for high treason, in 1807, at thirty-five years of age. His forensic ability and eloquence in that prosecution, at the selection of Jefferson, gave him a national reputation. He was Attorney General under three successive administrations, 1817-1828. After retiring from this office he removed to Baltimore, where he resided till death,

Some of his most noted cases were: The Burr trial; the Dartmouth College case, being opposed by Webster; *Gibbons v. Ogden*, in which he was associated with Webster; *McCulloch v. Maryland*, involving the right of the State to tax the United States Bank, in which Pinkney made his great effort—Pinkney, Webster and Wirt on the one side, and Martin, Jones and Hopkinson on the other; the Cherokee Indians' case in the Supreme Court, in 1831; the successful defense of Judge James H. Peck, before an impeaching Senate; and the Hubbart-Brooks case, before the Massachusetts Supreme Court.

“The Supreme Court of the United States has been aided by his diligent research and lucid reasoning,” said Marshall. “His career has been one of the longest and most brilliant in the United States,” added Webster. He was candid, confiding and credulous. Of estimable character, great talent, masterly ability, cultivated mind and taste, and gentle and just nature. He was tall, weighed at one time two hundred and twenty-five pounds, handsome, a royal friend, a princely entertainer, a fine writer, and an orator of the old school.

Patrick Henry's Eloquence.

“Patrick Henry’s eloquence was poured forth from inexhaustible resources, and assumed every variety of hue, and form and motion that could amaze or persuade, instruct or astonish. Sometimes it was the limpid rivulet murmuring down the mountain side and winding its silver course between margins of moss—then gradually swelling to a bolder head it roared in the headlong cataract and spread its rainbows to the sun; now it moved on in tranquil majesty, like a river of the West, reflecting from its polished surface, forest, and cliff, and sky—anon, it was the angry ocean, chafed by the tempest, hanging its billows, with deafening clamors, among the cracking shrouds, or hurling them in sublime defiance of the storm that frowned above.”—Wirt’s Life of Henry.

(Jefferson thought the above passage “a little too poetical;” Judge Parker: “There was rather too much of it;” Judge Brockenborough thought it “too flowery;” Judge Cabell thought Jefferson’s criticism “groundless;” Mr. Upshur, to whom Wirt read it, pronounced it “beautiful.” Mr. Clark, to whom it was read, with tear-filled eyes and rapturous admiration, swore that “that was the very kind of writing that had made the *British Spy* so popular.” Wirt himself was at a loss how to decide, but thought he would “hazard it, though not without fear and trembling.” Said he would “rather have faults than to have no beauties. And who that ever had beauties

was without fault. The most beautiful author in the world is, perhaps, the fullest of faults—Shakespeare.”

Friendship and Love.

“I derive comfort from the thought that my stars have never yet thrown me upon a soil too cold or barren for friendship or love.”

The Being of a God.

“Could the tick, which invades and buries itself in my foot, conceive or describe the anatomy of my frame? Could the man who has passed every moment of his life at the foot of the Andes, paint the prospect which is to be seen from its summit? No more, in my opinion, can reason discuss the being of a God, or the reality of that miracle, the Christian faith. If you ask me why I believe in the one or the other, I can refer you to no evidence, because I must refer you to my own feelings.”

Johnson's Lives.

“I have been reading ‘Johnson's Lives of Poets and Famous Men,’ till I have contracted an itch for biography.”

Dropping Into Water Like Stone.

“The idea has always been very dismal to me, of dropping into the grave like a stone into the water and letting the waves of time close over me, so as to leave no trace of the spot on which I fall.”

Jefferson.

“If you knew Mr. Jefferson personally and intimately, you would know him to be among the most simple and artless characters upon earth.”

Common Sense.

“Common sense is a much rarer quality than genius. Common sense instructs us when to speak, when to be silent, when to act and when to be still—and, moreover, it teaches us what to speak and what to suppress, what to do and what to forbear.”

His Early Library.

When he began practice his library consisted of Blackstone, Don Quixote and Tristram Shandy.

First Case.

He was successful in his first case.

A Man of Fashion When Young.

When he first began practice he was gay and companionable.

Honor Empty.

Said when made Chancellor at twenty-nine: “This honor of being Chancellor is a very empty thing, stomachically speaking; that is, although a man may be full of honor, his stomach may be empty; or, in other words, honor will not go to market and buy a peck of potatoes.”

Honor and Family.

“Honor and glory are indeed among the strongest attractions, but the most towering glory becomes dust in the balance when poised against the happiness of my family.”

Madison Defended.

Wirt said, Madison being accused of a want of energy, that he stood up against Patrick Henry's opposition to the Constitution and carried the day in Virginia; that he resisted infraction of the Constitution by even Washington. Said he: “But if true energy be evinced, as we think it is, by the calm and dignified, yet steady, zealous and persevering pursuit of an object, his whole conduct during the debate in Congress during the adoption and first years under the Federal Constitution, and while he was in the minority, is honorably marked with energy. And that energy rested on the most solid and durable basis—conscious rectitude; supported by the most profound and extensive information, by an habitual power of investigation which unraveled with intuitive certainty the most intricate subjects, and an eloquence, chaste, luminous and cogent, which won respect, while it forced conviction. Your idea of energy is a constitutional irritability—you indulge it, and you call that indulgence energy. Sudden fits of spleen—transient starts of passion—wild paroxysms of fury, the more slow and secret workings of envy and resentment—cruel taunts and sarcasm—the

dreams of disordered fancy—the crude abortions of short-sighted theory—the delirium and ravings of a hectic fever—this is your notion of energy. * *

* Wretched, most wretched is the fate of that writer or that man who deserts the plain highway of conscience and of candor, for the dark and crooked mazes of intrigue and cunning of trick and misrepresentation; he may, as the wise son of Sirach has said, ‘work his way for a time, like a mole under ground, but by-and-by he blunders into light and stands exposed with all his dirt upon his head.’ ”

Capacity and Inclination.

“I believe nature never yet gave the capacity without the inclination.”

Longing for General Literature.

All other pursuits were subordinate to the great object of his ambition—a well-merited renown in his profession. But he said of his desire for general literature: “To be buried in law for eight or ten years, without the power of opening a book of taste for a single day! O, horrible! horrible! most horrible! O, for that wealth that would enable me to wander at large through the fields of general literature, as whim or feeling might direct, for days and weeks and months together, and thus to raise, enlighten and refine my mind and heart, until I became a fit inhabitant for those brighter fields of light that lie above us.”

Love and Friendship.

“Love is the tenor of life’s music and friendship its bass.”

Indolence Causes Paucity of Great Men.

“I believe the paucity of great men in all ages has proceeded from the universality of indolence. Indolence is natural to man, and it is only the brave few who can ‘clear the copse at a bound,’ break over the magic bourne and stretch away with ‘an eye that never winks and a wing that never tires,’ into new regions and new worlds, who distinguish themselves from the crowd, and rise to glory that never fades.”

Advice to Francis Gilmer, a Young Lawyer.

“You cannot conceive how much the mastery of our State decisions will place you at your ease, and what vantage ground it will give you over the generality of your profession. The law is to many, at first, and at last, too, a dry and revolting study. It is hard and laborious; it is a dark and intricate labyrinth, through which they grope in constant uncertainty and perplexity—the most painful of all states of mind.”

Restraint.

“Mr. President, there is no good that does exist or can exist unless guarded by restraint. The best things that we enjoy, the noblest qualities that we possess become vicious by excess. Mercy degener-

ates into weakness, generosity into waste, economy into penury, justice into cruelty, ambition into crime. * * * Look where you will, then, sir; above you, around you, below you, you see that the great conservative principle is restraint, that same restraint which holds human society together."—From speech in defense of Judge Peck on impeachment before United States Senate, 1831.

Levity, Folly and Trifling.

"You ought to spend a portion of the day in levity and folly, with as little exertion of thought as possible. It is not only sweet, but useful to trifle occasionally. The bow of Apollo will not bear perpetual stretching. A fellow who, both in conversation and solitude, is perpetually on his high horse, may make a very good Centaur, but he will not do long for a man."

A Lawyer's Fame on Slippery Basis.

"The fame of the greatest lawyers, so far as it is built up in the active labors of the forum, rests proverbially upon a most slippery basis."

The Wife of Blennerhasset.

"Blennerhasset's enchanted island is destined soon to relapse into a wilderness; and in a few months we find the beautiful and tender partner of his bosom, whom he lately 'permitted not the winds of' summer 'to visit too roughly,' we find her shivering at mid-

night on the wintry banks of the Ohio, and mingling her tears with the torrents, that froze as they fell."—From Wirt's Speech in prosecution of Aaron Burr for treason.

Advice to a Young Friend as to Legal Arguments.

"In your arguments at the bar let argument strongly predominate. Sacrifice your flowers, and let your columns be Doric, rather than Composite—the better medium is Ionic. Avoid, as you would the gates of death, the reputation of floridity. Small though your body, let the march of your mind be the stride of a seven-leagued giant."

Reader of General Literature.

Was a diligent student of literature, as well as law—especially of Bacon, Boyle, Hooker, Locke, and the fathers of English literature, among the moderns, and among the ancients, Quintilian, Seneca and Horace; and a pocket edition of the latter poet, well thumbed and marked, was his constant companion upon his journeys.

Florida Land Scheme.

There is no incident in his life that so fully portrays his character as the Florida speculation in "Wirtland," as he called it, where he bought large tracts of land, sent a colony of one hundred and fifty Germans, under his son-in-law, and spent thousands of dollars after his sixtieth year, and yet felt more disposed to laugh than cry over the result.

Jefferson on Wirt's Life of Henry.

Jefferson said he was undecided where to put Wirt's Life of Henry in his library—under history or fiction, but thought it belonged under the latter.

Examining a Credulous Witness.

Mr. Wirt was once cross-examining a very learned, but credulous witness, and asked him if he had ever read "Gulliver's Travels." The witness said he had. "Do you believe they are true?" said Mr. Wirt. "Well, I always supposed they were," said the witness. "Did you ever read Robinson Crusoe?" "Yes." "Do you think Crusoe lived nearly all his life on that island?" "Well, I never saw any reason to doubt it." "Did you ever read Baron Munchausen?" "Yes." "Do you believe his adventures were true?" "I always supposed so. I never saw any reason why the author should lie about those travels." "That is all," said Mr. Wirt. The witness started to leave the witness stand. "Wait a minute," said opposing counsel. "Did you ever read Wirt's 'Life of Henry?'" "O, yes, I have read it very carefully." "Do you believe it is true?" "Well, I don't know about that; I think there is a great deal of doubt on that score."

Reading.

"Get a habit, a passion for reading; not flying from book to book, with the squeamish caprice of a literary epicure; but read systematically, closely,

thoughtfully, analyzing every subject as you go along and laying it up carefully and safely in your memory. It is only by this mode that your information will be at the same time extensive, accurate and useful."

His Reply to a Doubter as to a Legal Authority.

Being questioned by opposing counsel as to a citation, Wirt replied in his most gorgeous manner: "Sir, I am not bound to grope my way among the ruins of antiquity, to stumble over obsolete statutes and delve in black letter lore in search of a principle written in living letters upon the heart of every man."

Wirt's Youthful Intemperance.

In his early married life Wirt was so dissipated that his wife soon died from mortification. He moved to Richmond, but his old habits clung to him. He was advised to again marry, and accordingly paid his addresses to Miss Gamble. After some months he asked her hand in marriage. She replied: "I have been aware of your intentions for some time, and should have given you no encouragement had I not reciprocated your affection, but I can not yield my consent until you pledge me never to taste, touch, or handle intoxicating liquors." This was regarded by him a bar to further considerations. But her course to him was the same as ever, and he renewed his solicitations. Her reply was that her mind was made up. Regarding the terms insulting to his honor, he took to drinking again, and seemed to rush

head-long to ruin. One day, while lying dead drunk in the outskirts of the city, a young lady, whom it is not necessary to name, was passing, and beheld his upturned face in the scorching sun. She placed her lettered handkerchief over it. In a few hours he awoke, repaired to the grog-shop near by, discovered the name, and exclaimed: "Who left this on my face?" He dropped the glass and left, vowing if God gave him strength, never again to touch a drop of liquor. To meet Miss G. again was the hardest effort of his life, and when he saw her coming he would dodge around the nearest corner. At last she dropped him a note, inviting him to her home. Gathering courage, he accepted, and told her if she yet bore affection for him, he would agree to her own terms. Her reply was: "My conditions are what they have ever been." "Then," said he, "I accept them." They were married, he kept his word, his affairs brightened, and honors showered upon him.—Adapted.