

LIFE SKETCHES

OF

EMINENT LAWYERS,

AMERICAN, ENGLISH AND CANADIAN,

TO WHICH IS ADDED

THOUGHTS, FACTS AND FACETIÆ.

IN TWO VOLUMES.

BY
GJC
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DANIEL WEBSTER, MASSACHUSETTS.**(1782-1852.)**

Next to Hamilton, the most prominent political genius in the Nation's history. For thirty years the dictator of his party and the acknowledged leader of the American bar. Born at Salisbury, New Hampshire January 18, 1782, died at Marshfield, Massachusetts, October 24, 1852, aged seventy. He was the son of a poor farmer, educated at Exeter Academy and Dartmouth College, where he graduated at nineteen. Admitted at twenty-three, he settled at Boscawen, New Hampshire. Removed to Portsmouth at twenty-five; member of Congress at thirty; removed to Boston at thirty-four, where his practice reached \$20,000 a year. Re-elected to Congress at forty; United States Senator at forty-five; Secretary of State under Harrison, 1841, and under Fillmore in 1850. Was thrice disappointed for the Presidency.

His genius shone on questions of finance, the development of American industries, and in defense of the Constitution. The Ashburton Treaty, saving us from an entangling war, was his most masterly diplo-

matic act; his replies to Hayne and Calhoun in the Senate, his greatest oratorical, Constitutional efforts—the former rivaling Demosthenes “On the Crown;” the Dartmouth College case, 1818 (4 Wheat. 578), during the argument of which all the judges were said to be in tears, *Ogden v. Saunders*, 1827 (12 Wheat., 213), *United States Bank v. Primrose*, 1839 (13 Pet., 519), the *Girard Will* case, 1844 (2 How., 127), *Luther v. Borden*, 1848 (7 How., 1), and the Knapp murder case in 1830, in the Massachusetts Supreme Court, were his greatest efforts in a court of justice.

Says Lodge: “Without extraordinary profundity of thought or depth of learning, he had a wide, sure, and ready knowledge of principles and cases, quick apprehension, unerring sagacity for vital and essential points, a perfect sense of proportion, and an almost unequalled power of statement, backed by reasoning at once close and lucid.” He had great indifference to pecuniary obligations, like Pitt, Fox, and Sheridan, but this was overbalanced by his simplicity of manners, contempt of shams, courtesy to opponents, kindness to the poor, and profound religious instincts,

Justice.

“Justice is the great interest of man on this earth. Whoever labors on this edifice with usefulness and distinction, whoever clears its foundations, strengthens its pillars, adorns its entablatures, or contributes to raise its august dome still higher in the skies, connects himself in name and fame, and character, with that which is and must be as durable as the frame of human society.”—Remarks on death of Judge Story.

A Dissevered Union.

“When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood.”—Second speech on Foote’s resolution, Jan. 26, 1830.

The British Empire.

“A power which has dotted over the surface of the whole globe with her possessions and military posts; whose morning drumbeat, following the sun, and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England.”—Speech, May 7, 1834.

(Webster said he got that impression as he stood on the walls of Quebec for the first time and cast an imaginary glance over the broad extent of that domain.)

Charity Lending a Mantle.

“If this bill becomes a law” (just at this time he brought his hand down violently striking the desk, and the blood trickled down his fingers; taking out his handkerchief and quietly winding it around them, he added) “charity will have to lend a mantle to wrap, the pale corpse of a Nation’s credit.”—Speech against A Financial Bill.

Law and Politics.

“I have given my life to law and politics. Law is uncertain, and politics are utterly vain.”—Said in 1852 to Professor Silliman: Lodge’s Life of Webster, p. 346.

Fox-like Tread of Van Buren.

“The Buffalo Platform of 1848 is so rickety that it will hardly bear the fox-like tread of Mr. Van Buren.” As he said “fox-like tread,” he played his fingers along his left arm down to the open palm of the same arm.

Great Speech Must Be Prepared.

“No man not inspired can make a great speech without preparation.”

Fluency of Speech.

“Fluency of speech is like the departure of churchgoers; the fewer in the house the faster they come out.”

Mind Imbued With Subject.

“If there be so much weight in my words, it is because I do not allow myself to speak on any subject until my mind is thoroughly imbued with it.”

Power of Public Sentiment.

“I see that the Emperor of Russia demands of Turkey that the noble Kossuth and his companions shall be given up to be dealt with at his pleasure. And I see that this demand is in derision of the established laws of nations. Gentlemen, there is something on earth greater than arbitrary or despotic power. The lightning has its power, and the whirlwind has its power, and the earthquake has its power, but there is something among men more capable of shaking despotic power than the lightning, the whirlwind, or the earthquake, and that is the excited and aroused indignation of the whole civilized world.”
—At a festival of the Sons of New Hampshire, 1849.

Conversation.

Webster was accustomed to place conversation above all the other means and implements by which knowledge is obtained and dispositions infused.

His Voice.

“His voice was deep-toned, like that of a great bell or organ, yet was musical, and well adapted to his sinewy Anglo-Saxon words and weighty thoughts. On great occasions, when the whole man was roused,

its swell and roll, we are told, struck upon the ears of the spell-bound audience in deep and melodious cadence, as waves upon the shore of the 'far-resounding sea.' Except in moments of high excitement he had little action—an occasional gesture with the right hand being all. In his law-arguments, he was still more sparing of gestures; his keen, deep-set eye glancing, his speaking countenance and distinct utterance, with an occasional emphatic inclination of the body, being the only means by which he urged home his arguments. The vast mass of the man did much to make his words impressive."—Mathews' "Oratory and Orators," p. 332.

Three Great Speeches.

"In political oratory it would be hard to find anything superior to the reply to Hayne; in forensic oratory it would be hard to find anything superior to his speech on the murder of White; among showy speeches it would be hard to find anything superior to the Plymouth oration."—Goldwin Smith.

His Two Most Satisfying Law Arguments.

"He was most satisfied with the argument in the 'Steamboat case' and the Dartmouth College argument."—Harvey's Rem., p. 140.

Calhoun—Opinion of.

Thought Calhoun much the ablest man in the Senate,

Had Hay-Fever.

He never smoked. Had hay-fever every fall.

His Intense Study of the Constitution.

He once said that there was not an article, a section, a clause, a phrase, a word, a syllable, or even a comma, of the Constitution, which he had not studied and pondered in every relation and in every construction of which it was susceptible.

Had Poor Credit.

He never cared quite enough about his own finances, or took particular pains to preserve his own personal credit.

Jeremiah Mason—Opinion of.

Thought Jeremiah Mason the first lawyer of his age, and superior to any other lawyer whom he had ever met.

Benton.

Said Benton read everything; but never practiced his profession.

Visited Brougham.

Visited Lord Brougham and was highly entertained by him in England.

Planted Trees.

Had a great passion for planting trees and rearing fine animals.

Clay—Opinion of.

Thought Clay was no lawyer, nor reasoner. Said: "In the course of my professional life, it has happened many times that I found myself retained in the same cause with Mr. Clay. He was my senior by several years, in the profession and age. That fact gave him the right to speak first in all such cases. Often before beginning my argument, I have had to labor hard to do away with the effect and impression of his. Some of the most laborious acts of my professional life have consisted in getting matters back to the starting point after Clay had spoken."—Harvey's *Reminiscences of Webster*, p. 217.

Tolerated no Profanity or Vulgarity.

He never tolerated anything indelicate or profane in the stories to which he fondly listened.

Enjoyed Fishing and Shooting.

He enjoyed fishing and shooting and communing with plain people.

Would Not Fight a Duel.

Was twice challenged to fight a duel by John Randolph, but did not accept.

An Early Riser.

Was an early riser—while at Marshfield rose at four o'clock.

Lost \$100,000 by Lending Name to Others.

Was said to have lost \$100,000 by lending his name and influence to others.

Amphibious Animal.

Told John Trout he was an amphibious animal, because an amphibious animal lies equally well on land and on water.

Dressed Neatly.

He was always very particular about his dress.

Fifteen Thousand Dollars Spent Before Received.

He tried and won while Secretary of State in 1852 *Goodyear v. Day*—the famous India-rubber case. None of the \$15,000 fee went into his pocket, but was appropriated to the payment of his debts before gotten.

His Early Case and Small Charge, but Came Up Years After.

“He was consulted by a blacksmith in the early years of his practice respecting the title to a small estate bequeathed to him by his father. An attempt was made to annul the will. Mr. Webster sent to Boston, bought fifty dollars worth of law books, studied the case carefully and won it in the courts, and as his client was poor charged him but \$15. Years afterwards while on his way through New York to Washington, he was consulted by Aaron Burr to as-

sist him in a very important case then pending, and Burr stated the case. Webster astonished him by his learning upon the question—it was his old will case over again. Burr rose in amazement and asked if he was retained in the case, etc. He received from Burr the warmest praise and a very large fee.”—Harvey’s Rem., p. 75.

Refused Due Credit to Judge Story.

“After Judge Story’s death, Mr. Webster not only declined to allow the publication by the Judge’s son and biographer of Story’s letters to himself, but he refused to permit even the publication of extracts from his own letters, intended merely to show the nature of the services rendered to him by Story.”—Henry Cabot Lodge’s Life of Webster, p. 108.

Not a Creative Mind.

“Webster had not a strongly original or creative legal mind. He disliked investigation and inquiry, although entirely capable of intense and protracted exertion. Mr. Webster’s powers were not of the class of Mansfield’s and Marshall’s, who not only declared what the law was, but who made it; but, except in these highest and rarest qualities, he stands in the front of the lawyers of his country and his age. Without extraordinary profundity of thought or depth of learning, he had a wide, sure and ready knowledge of principles and cases. Add to this, quick apprehension, unerring sagacity for vital and essen-

tial points, a perfect sense of proportion, an almost unequalled power of statement, backed by reasoning at once close and lucid, and we may fairly say that Mr. Webster, who possessed all these qualities, need fear comparison with but very few among the great lawyers of that period either at home or abroad."—Lodge's *Life of Webster*, p. 109.

Immortality.

"What a man does for others, not what they do for him, give him immortality."

The Sabbath.

"The longer I live the more highly I estimate the Christian Sabbath, and the more grateful do I feel towards those who impress its importance upon the community."

The Dirty Hand at School.

When a boy at school the teacher called him up to be feruled for some offense. Daniel put out his hand, which was so dirty that the teacher said, "If you can find another hand in the school-room as dirty as that, I'll not punish you." Daniel immediately thrust his other hand out, and was allowed to go free.

Scholars—How Made.

"Costly apparatus and splendid cabinets have no magical power to make scholars. In all circumstances, as a man is, under God, the master of his own

fortune, so is he the maker of his own mind. The Creator has so constituted the human intellect that it can only grow by its own action; and by its own action and free will, it will certainly and necessarily grow. Every man must therefore educate himself. His book and teacher are but helps; the work is his. A man is not educated until he has the ability to summon in an emergency, all his mental powers in vigorous exercise to effect its proposed object. It is not the man who has seen most, or read most, who can do this; such a man is in danger of being borne down, like a beast of burden, by an overwhelming mass of other men's thoughts. Nor is it the man who can boast of native vigor and capacity. The greatest of all warriors in the siege of Troy had not the pre-eminence because nature had given strength and he carried the largest bow, but because self-discipline had taught him how to bend it."

While Senator Carried on Large Law Practice.

"He was the only man in his time, who successfully sat in the Senate of the United States and at the same time carried on a large practice before the United States Supreme and other courts."—*Flower's Life of M. H. Carpenter*, p. 83.

His Birth-place Humble.

"It did not happen to me, gentlemen, to be born in a log cabin, but my elder brothers and sisters were born in a log cabin and raised amidst the snowdrifts

of New Hampshire, at a period so early that when the smoke first rose from its rude chimney and curled over the frozen hills there was no similar evidence of a white man's habitation between it and the settlements on the rivers of Canada."—From one of his later Addresses.

Did Not Like Work and Could Not Save Money.

Two anecdotes illustrate his character. Daniel and Ezekiel were one day playing in the barn. Their father called out: "What are you doing, Daniel?" His reply was, "Nothing." "And what are you doing, Ezekiel?" "Helping Daniel." On another occasion the two returned from a fair. Daniel was full of animal spirits, and Ezekiel was silent. Their mother finally asked Daniel what he had done with his money. "Spent it," was the reply. "And what did you do with yours, Ezekiel?" "Lent it to Daniel," was the elder brother's reply. At one time he complained to his father that the scythe did not hang right. The father told him to hang it as he pleased, and he hung it on the fence.

His Outburst of Oratory in the Dartmouth College Case.

In closing the Dartmouth College case, he said: "Sir, you may destroy this little institution; it is weak; it is in your hands. I know it is one of the lesser lights in the literary horizon of our country. You may put it out, but if you do so, you must carry

through your work. You must extinguish, one after another, all those great lights of science which for more than a century have thrown their radiance over our land. It is, sir, as I have said a small college, and yet there are those who love it." ("Here," says Professor Goodrich, "the feeling he had thus far succeeded in keeping down broke forth. His lips quivered; his firm cheeks trembled with emotion; his eyes were filled with tears; his voice choked and he seemed struggling to the utmost to gain that mastery over himself which might save him from an unmanly burst of feeling. * * * The whole seemed mingled throughout with the recollection of father, mother, brother, and all the privations and trials through which he had made his way into life. Everyone saw that it was wholly unpremeditated, a pressure on his heart, which sought relief in words and tears.") * * * "Sir, I know not how others may feel," he proceeded, glancing at the opponents of the college before him, "but for myself, when I see my Alma Mater surrounded, like Caesar in the Senate-house, by those who are reiterating stab after stab, I would not for this right hand have her turn to me, and say Et tu quoque, mi fili. And thou, too, my son."

Admitted Forgery, but Denied Utterance.

"Mr. Webster never permitted the minds of jurors to be diverted from the real question. I was struck with this the first time I heard him before a jury. He was defending a man for forgery. To con-

vict it was necessary to prove the forgery and that the instrument had been uttered in Suffolk county, where the case was being tried. To my surprise before a witness had been called, Mr. Webster rose and said: 'May it please the court, we admit the forgery, so the evidence on this point will be unnecessary. We deny that the note was uttered in this county.' I was amazed at this admission. To me it seemed to be giving away the case. But the wisdom of it soon became apparent. The defendant was acquitted for want of proof on the question of utterance. If both the question of forgery and of the issue of the paper in the county had been presented, the jury might have regarded the forgery as the real question, and the defendant might not have escaped the punishment which he merited."—Hugh McCulloch's "Men and Measures of Half a Century," p. 19.

His Penetrating Look.

"His eyes, though deep-set, were so penetrating that few guilty men could endure their piercing gaze. One of his clients in a case of considerable importance informed him that he thought a witness on the other side intended to commit perjury. 'Point him out when he comes into the court room,' said Mr. Webster. The witness soon after appeared and took a seat in a swaggering manner, when looking towards the bar his eyes met those of Mr. Webster fixed steadily upon him. He immediately looked in another direction, but, as if fascinated, he soon turned his face

again towards Mr. Webster, to meet these deep, penetrating eyes, which doubtless seemed to him to read his very soul. He moved nervously in his seat for a few moments, then rose and left the court-house, to which he could not be induced to return."—McCulloch's "Men and Measures of Half a Century," p. 19.

Used the Products of Other Minds.

"Every indication we possess of his college life, as well as of his own repeated assertions, confirms the conclusion that nature had formed him to use the products of other men's toil, not to add to the common fund."—James Parton.

Came Near Abandoning the Law.

At one time he came near abandoning the law, as too high and perilous for him, and settling down as schoolmaster and clerk of a court.

Forty-Eight Before Developed.

He was forty-eight before his powers had reached their full development.

Lost Eighty-Five Dollars of His First Money.

Before leaving Boston he wrote to his friend Bingham, "If I am not earning my bread and cheese in exactly nine days after my admission, I shall certainly be a bankrupt." And so, indeed, it proved. With great difficulty he "hired" eighty-five dollars, as a capital to begin with, and this great sum was immediately lost in its transit by stage.

Forcible Language and Words.

Webster said: "The value, as well as the force, of a sentence depends chiefly upon the meaning, not its language; and great writing is that in which much is said in few words, and the words the simplest that will answer the purpose."

Not Original.

"He had less originality, whether of intellect or of will, than any other man of equal eminence that ever lived."—Parton.

His Charges and Income.

He gave advice in important cases for \$20; his regular retaining fee was \$500, his annual retainer, \$100; his whole charge for conducting a case rarely exceeded \$500; and the income of a whole year averaged about \$20,000. Twenty years later he had gained a larger sum than that by the trial of a single cause. But in 1820 such an income was immense, and probably not exceeded by that of any other lawyer in America. He received two fees of \$25,000 each. His last fee was \$11,000. There was one year in his Congressional life when he was kept out of the Supreme Court for four months by the high duty that devolved upon him of refuting Calhoun's nullification subtleties; but even in that year his professional income was more than \$7,000.

His Extravagance.

Webster had two fancy farms of more than one thousand acres each; kept two hundred prize cattle, and seven hundred choice sheep; llamas, deer, and all rare fowls; a flower garden, one hundred acres in extent, and his books were worth \$30,000; kept two or three yachts and a little fleet of smaller craft; was continually sending money in answer to begging letters, and gave his black man money enough to buy a very good house; added wings to his spacious house at Marshfield, and kept open house there and had half a dozen guests at a time, and died forty thousand dollars in debt.

A Lawyer's Life.

"Most lawyers in the United States," he once said, "live well, work hard, and die poor."

His Complexion.

"He had dark, jet black hair and eyes, and a complexion of burnt gunpowder; though all the rest of the children, except one, were remarkable for fairness of complexion and had sandy hair. Ezekiel, his elder brother by two years, was considered the handsomest man in the United States, and had a skin of singular fairness and light hair."—From Parton's "Famous Americans," p. 61.

SIR RICHARD E. WEBSTER, ENGLAND.

(1842- ———)

Queen's Counsel, Member of Parliament for the Isle of Wight and ex-Attorney General for England in the last Tory administration (a \$35,000 position, together with as much more in fees). Born December 22, 1842, educated at the Charterhouse, King's College, London, and Trinity College, Cambridge, whence he carried away the degree of Bachelor of Arts, third class honors in classics, a fair knowledge of mathematics, the reputation of being the best long-distance foot-racer in the university, and the good will of all. He is a son of the late Thomas Webster, Queen's Counsel, one of the most eminent patent barristers of his day. He was admitted a member of Lincoln's Inn in 1865, and to the bar in 1868, at which he rose rapidly, almost unprecedentedly, and patent, common law, privy council and House of Lords practice flowed in upon him. At thirty-six years of age he was made Queen's Counsel, believed to be the youngest man for many years who has received that high honor. Became Attorney General in 1885 under Lord Salisbury, which was sharply criticised by