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**L I V E S**

**OF**

**EMINENT LAWYERS AND STATESMEN**

**OF THE STATE OF NEW YORK,**

**WITH**

**NOTES OF CASES TRIED BY THEM,**

**SPEECHES, ANECDOTES,**

**AND**

**INCIDENTS IN THEIR LIVES.**

BY  
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AUTHOR OF "LIVES OF THE NEW YORK CHANCELLORE," "LAWYER AND  
CLIENT," ETC.

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**VOLUME I.**

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THE  
BENCH AND BAR  
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OGDEN HOFFMAN.

Styled the American Erskine.—A Son of Josiah Ogden Hoffman.—Enters the Navy as a Midshipman.—Enters the Service of the United States on board the President.—Captured with that Vessel in Attempting to Run the Blockade.—Thrilling Scene.—A Prisoner of War at Bermuda.—Dines with the British Officers.—Lieutenant Price Promptly Resents an Insult.—The Challenge.—Transferred to the Guerriere, Decatur's Flag Ship.—Accompanies Expedition to the Barbary States.—Conflict between the Guerriere and an Algerine Ship of War.—Commodore Decatur.—Hoffman Boards the Pirate Ship.—A Boarding Conflict.—The Victory.—Returns to New York.—Resigns his Commission.—The Law Student.—John Duer.—Hoffman Completes his Studies with him at Goshen, Orange County.—Commences Practice at Goshen.—Partner of Mr. Duer.—His Success as a Lawyer.—Incidents in his Practice.—Appointed District-Attorney.—Elected to the Assembly.—Removes to New York.—Hugh Maxwell.—Enters into Partnership with him.—Trial of Henry Eckford and Others.—Hoffman's Distinguished Position at the Bar of New York.—Appointed District-Attorney of New York.—His Political Career.—Moses H. Grinnell.—Dudley Selden.—Trial of Richard P. Robinson.—Description of the Murder.—Hoffman's Surpassing Eloquence.—Thrilling Scene.—The Verdict.—Its Effect.—Hoffman as a Criminal Lawyer.—His Advice to Mr. Evarts.—Elected to Congress.—His Congressional Career.—Grand Reception in New York.—His Speech.—Appointed United States District-Attorney.—Elected Attorney-General.—Description of his Oratory.—Personal Appearance.—His Death.—Proceedings of the New York City Bar.—Democratic General Committee.

OGDEN HOFFMAN has repeatedly been styled the American Erskine, and the appellation is not without propriety—in some circumstances the parallel is complete. Both of these great lawyers in their youth entered the navy; both attained the rank of passed midshipman, resigned that position, and entered the

legal profession, in which, by an intuitive acuteness, great erudition and matchless eloquence, they won the highest honors.

While Erskine overthrew constructive treason in England, and established there the doctrine that the jury are judges of the law and fact in cases of libel, Ogden Hoffman, by his fearless and disinterested defense of those whom clamor and prejudice had condemned, established at the American bar that high-toned independence which places courts of justice beyond the reach of any influence. Mistakes as to facts and the operation of those passions which are inseparable from human frailty, may have led him to erroneous conclusions as to the real merits of cases which he espoused. Many of his speeches at the bar were distinguished for their bold and happy novelties of expression and felicities of phrase, accompanied by the most perfect simplicity of manner. The exuberance of his imagination constituted at once the charm and the defect of his oratory.

Ogden Hoffman was born in the city of New York, on the third day of May, 1793. His father was Josiah Ogden Hoffman, a distinguished civilian of that city, the associate, and often the opponent of Hamilton, Kent, Ambrose Spencer, Emmet, Wells, and other eminent jurists, whose profound learning and high order of eloquence, raised them to the sphere of the Pitts, the Burkes, the Sheridans and the Currans.

Ogden was the half-brother of Charles Fenno Hoffman, the eminent poet and novelist. On attaining his eighth year, he was placed in one of the best schools in the city. Here his progress was at first slow and tardy; but he soon began to gain rapidly in his studies.

It was said of Sir William Jones in his youth that he was a boy of so active a mind, that if he were left naked and friendless on Salisbury Plain, he would find his way to fame. This remark might well have applied to young Hoffman. He soon became



one of the best classical scholars in the institution, and also a superior mathematician—especially in the department of logarithms. His mind, naturally adventurous, early began to exhibit a preference for the life of a sailor; he read with pleasure the bold and brilliant exploits of naval heroes, and he determined to enter the naval service of his country.

His father intended to prepare him for the bar; but yielding to the strong desire of the boy for the navy, he procured him a midshipman's berth. With great diligence and unwearied application, he perfected himself in nautical science and naval discipline. When war with England was declared, he was in his seventeenth year. At this period, he entered the service of the United States, as a midshipman, on board the frigate *President*. He was with that vessel when she was captured by the British while attempting to run the blockade of New London. Through all the dangerous and exciting scenes which resulted in her capture, young Hoffman conducted himself with the coolness and intrepidity of a veteran. The *President* was taken to the Bermudas in charge of the British ship-of-war *Endymion*, where the American officers were detained as prisoners.

While at Bermuda, several British officers were one day invited to dine with the officers of the *President*. At the table there was an English lieutenant whose national pride had been inflated by the capture of the *President*, and whose insolence to the American officers had exhibited itself on several occasions. When toasts became the order at the table, after several courteous sentiments had been given by both British and American officers to each other, this lieutenant arose and proposed the following:

“The captain of the *Endymion*: by conquest, the captain of the *President*.”

Hardly had these words escaped his lips, when Lieutenant Edward Price, of the *President*, threw a glass of wine full in the face of the British officer,

exclaiming, "Resent that before you talk about the commander of the President." A challenge ensued, young Hoffman acting as the second of Price; but the hostile meeting was prevented by the authorities.

At the close of the war, Ogden was transferred from the President to the ship-of-war *Guerriere*, 44 guns. In 1815, she was Commodore Decatur's flag ship, attached to the American squadron destined to subjugate the Barbary States, whose persistent piracies and outrages upon our shipping brought upon them the vengeance of the Republic.

Ogden Hoffman accompanied this expedition, and the gallant Decatur soon conceived a strong and an almost parental affection for the young midshipman.

On the 16th of June, 1815, the *Guerriere*, being detached from the squadron off Cape Degatt, in Spain, fell in with the Algerine frigate *Mazouda*, 64 guns and 100 men, commanded by the notorious pirate, Rias Hammida, who had long been the terror of the Mediterranean. A terrible conflict took place, which resulted in the destruction of the *Mazouda*.

During a part of the engagement, Hoffman was placed in command of gun No. 6, next to a long 24-pounder. While engaged in serving his gun, the 24-pounder burst, spreading death and destruction on every side, and prostrating him senseless upon the deck. Fortunately, he was only stunned; and was on his feet in a moment. Before he could collect his scattered senses, a box of cartridges exploded, hurling him across the deck. Once more he escaped the death which others by his side suddenly met.

At this moment he was summoned to the side of Decatur. Begrimed and blackened with powder, his clothing torn, his cap blown away, he approached his commander, with the customary salute.

"Who are you, sir?" demanded Decatur.

"I am Hoffman, sir," was the reply.

"Hoffman! Very well, sir; you look as though



you had been shot from a gun. Take your position there," said the commander, pointing to the place he was to occupy during the remainder of the battle.

In a few moments more, almost every spar belonging to the pirate vessel was swept away by the shot of the Americans; but the *Guerriere* was now so badly crippled by the enemy, and the explosions which had taken place on her decks, that she was compelled to haul off for repairs. As the flag of the pirate was still defiantly flying, the boats of our vessel were made ready, with orders to board the enemy, and compel her to surrender. Hoffman, who was in command of the boats, promptly obeyed the order, and was soon on the decks of the *Mazouda*, followed by the crews of the other boats. A ghastly sight presented itself to their view. The body of Ham-mida, her commander, cut asunder by a solid shot, lay before them. On every side were the dead and dying; but enough of the enemy remained to make a fearful resistance, and one of those hand to hand conflicts which follow the signal to board, now took place; but the pirates were soon compelled to surrender; those who escaped death were transferred to the conqueror's ship, and the *Mazouda* was blown up.

The gallant conduct of Hoffman won the approbation of his commodore, who presented him with the cutlass and pistols of the Algerine commander.

He continued in the navy until the trouble with the Barbary States was settled, and peace declared; when, wearied with the monotony of the service, he resigned and returned to New York, and commenced the study of law in the office of his father.

The elder Hoffman was well aware that many legal principles are so artificial and refined, and that others are qualified by such distinctions and subtleties, that they cannot be readily understood by the student without much explanation; he therefore carefully superintended the education of his son, and en-

couraged him to study with attention the arguments and opinions of the great judges and jurists of the past.

He believed that no man can be thoroughly acquainted with any one branch of knowledge, without having some skill in others also, that to no department is general knowledge so necessary as in the science of jurisprudence, "which pushes its roots into all the grounds of science, and spreads its branches into every object that concerns mankind." "He who expects to be eminent at the bar," said he, "depending simply on a knowledge of law, is like a general with an army consisting entirely of infantry, without artillery or cavalry," and he therefore taught his son to read history, metaphysics, criticism, and ethical science, and also impressed upon his mind the fact that "language is the armory of the human mind, and at once contains the trophies of the past, and the weapons of its future conquests," and the young student applied himself with energy and perseverance to the study of his own language, reading with critical inspection the elegant and refined diction of the English classics. In this way he gained that wonderful command of language which rendered him so enchanting as a speaker.

Soon after he commenced his legal studies, a debating society was organized in New York, called "The Forum." Among its members were Ogden Hoffman, James W. Gerard, Hugh Maxwell, Hiram Ketchum, and Henry Wheaton; all of whom subsequently became eminent at the bar of the State. All of these distinguished persons have passed from the scenes of earth, except Mr. Gerard and Mr. Maxwell. The former, a few years ago, retired from a long and brilliant practice, to the regret of his professional brethren and the public. As was said of him by one of his eminent compeers, "he never forgot, in the sharpest controversies at the bar, that courtesy, that kindness and conciliatory temper which distinguished him in his long career." Mr.



Maxwell has also retired from practice, carrying to his retirement the respect and regard which his well-earned reputation demands.

The meetings of "The Forum" were held in the old City Hotel, on Broadway, near Cedar-street. "At first, six cents was charged for admission, but the growing popularity of the young and brilliant debaters filled the large room, and, as the receipts were devoted to charitable purposes, the price of admission was raised to twenty-five cents. Often, when some specially exciting subject was to be discussed, the old Park Theater, crowded on other nights, would, on these occasions, present a beggarly array of empty seats." In this arena, the eloquence of Ogden Hoffman developed itself, in speeches which were scarcely less dazzling than those delivered by him in the days of his highest triumphs at the bar. There, too, Mr. Ketchum displayed that argumentative and classic mind which in after years rendered him an ornament to the New York city bar; and there Maxwell, Gerard and Wheaton, exhibited those unrivaled mental energies, and that pleasing diction which ever charmed their auditors.

While Mr. Hoffman was thus preparing for his future eminence, John Duer, an eminent lawyer residing at Goshen, in the county of Orange, and an intimate friend of the elder Hoffman, happened to be in New York; here he became acquainted with Ogden. Being much in need of an experienced student, he invited the young man to continue his studies with him. Such were the inducements which Mr. Duer held out, that the invitation was accepted and young Hoffman became a resident of Goshen.

His close application to his studies, his quick, intelligent mind, his ingenuous and pleasing disposition greatly commended him to his preceptor, who, scholastic and studious himself, admired those qualities in others. It was, therefore, a pleasure to him to aid Hoffman in the prosecution of his studies. He

took every occasion to draw out his views upon questions of law, in conversation, and upon questions submitted by clients. In this way Ogden was practically conducted through elementary principles, precedents, and the philosophy of the law; thus he became a profound and thoroughly read lawyer.

His preparatory course being finished, he was called to the bar, and immediately became a partner of Mr. Duer, entering at once into the detail of an extensive practice.

In May, 1823, he was appointed District-Attorney of Orange County. The bar of that county consisted of the ablest lawyers in the State. This appointment, therefore, was highly complimentary to him as a lawyer. In the discharge of his official duties he was brought in collision with the most eminent advocates of the day. The office of district-attorney places a lawyer in a position where his hand is against every one, and every hand is against him—constituting him a sort of legal Ishmaelite.

During his term of office a large number of important criminal trials occurred, in some of which he was opposed by General Root and Elisha Williams. It was in conducting these trials that he acquired those unrivaled powers, that accurate and extensive learning, which afterwards rendered him one of the illustrious lawyers of the State.

On one of these occasions he followed General Root, who on the defense made one of those singularly powerful appeals to the jury for which, at that day, he was so distinguished. So exhaustive was his argument that it seemed he had left no room for Mr. Hoffman to found an argument or to establish the theory of the prosecution; and the curiosity of the bar was greatly excited in conjecturing the course he would pursue. The young advocate commenced; but a short time elapsed before he gained the earnest attention of the jury by the novelty of his combina-



tions, by the force of contrasts, by the striking manner in which apparently conflicting circumstances were harmoniously connected and blended in one strong chain of circumstantial evidence. He then seized the points and position of Root, and with the hand of a master dissected them with analytic skill. Then commenting upon the authorities cited by his great opponent, he entered, with fearless tread, regions of the most profound legal learning, displaying such mastery of the common law, such accuracy of reasoning, that when he closed, Mr. Root himself congratulated him upon his effort.

Hoffman had none of those mechanical arts of oratory which often conceal mediocrity of intellect.

In politics, he was a Democrat; and in the presidential contest which caused so much excitement throughout the country in 1823, he supported General Jackson; but such was his devotion to his profession that politics were a secondary matter with him. He was never what is called a politician. As a legislator in the State Assembly, as a law-maker in a Constitutional Convention, and as a representative in Congress, his eloquence and his various parliamentary abilities raised him to the sphere of a statesman.

From his earliest years he was surrounded by the most prominent lawyers and legislators. His father was, as has been already remarked, one of the leading lawyers and legislators of his time. He was to the American bar what Edmund Burke was to the English, and Moncreiff to the Scottish bar.

In the great case of the People *v.* Goodwin, tried in New York in 1821, his address to the jury equaled in power and judicial ability that of Mr. Curran's defense of Rowan in the Court of King's Bench.

He first entered the State legislature in 1791, and was continued in that body, with the exception of one or two years, until 1812—during a portion of which time his colleagues were the illustrious Kent, Brok-



holst, Livingston, De Witt Clinton, Aaron Burr, and others equally celebrated. In the legislature of 1794, with Ambrose Spencer, he was the leader of the Federal party. During that session he made his celebrated speech against the council of appointment, concluding by moving that the members composing that body be immediately arrested.

He was one of the earliest and most brilliant attorney-generals of the State,—succeeding, in 1795, the celebrated Nathaniel Lawrence. Identified with the early struggles and triumphs of the Federal party, and with the early history of the New York bar, it is not strange that his name stands out conspicuously in the history of the State.

Perhaps the early political contest of his father gave Ogden a certain dislike for the political arena which he never fully overcame; for, whatever success awaited him there, he always retired from it with pleasure to the more congenial pursuit of his professional duties.

In the autumn of 1825 the Democrats of Orange County unanimously nominated him for member of Assembly, and he was elected by a very large majority. His reputation as a lawyer gave him a high position in the legislature. In the debates which occurred in that body he frequently took part. His eloquence was of that peculiar nature which rendered his speeches always acceptable. Samuel Young was Speaker of the Assembly; unfortunately, between him and General Root, then a member from Delaware, a bitter feud existed.

As the legislature was about to adjourn, the usual vote of thanks was unanimously tendered to Colonel Young “for the able and impartial manner in which he had performed the duties of the chair, during the session.” As soon as this vote was announced, General Root objected to its entry in the minutes of the clerk. A singular and exciting scene occurred. Mr. Hoffman, although a friend to General Root, insisted

that as the resolution had unanimously passed, it ought to be so entered in the journal.

The pointed and laconic speech of Mr. Young to the legislature on this occasion, will be found in another part of this work.

For some time Mr. Hoffman had contemplated removing to the City of New York. At the close of his legislative term, he was offered a partnership by the late Hugh Maxwell, an eminent lawyer of the New York bar, and at that time District-Attorney of the City and County of New York. He was first appointed to that office in 1817, and again in 1821, after the adoption of the new constitution. He continued in office until 1829, when he was succeeded by Mr. Hoffman. He possessed the most rare and peculiar qualifications for a prosecuting officer. Deeply and thoroughly learned in the English and American criminal law, with rare elocutionary powers, a pleasing, genial manner, he was formidable before a jury. But his natural hatred of crime gave him that determination in the trial of criminals which sometimes rendered him obnoxious to the charge of being vindictive in his efforts to convict persons indicted.

The offer of Mr. Maxwell was accepted, and Ogden Hoffman became his law partner and a resident of the City of New York. About this time, Henry Eckford, Jacob Barker, General Swift, Lawton, Mowatt, and others, were indicted by the grand jury of New York, for a conspiracy to defraud the public.

The high social and political position of some of the defendants, the peculiar nature of the crime with which they were charged, the strange, determined, and ingenious defense which they made, gave to the trial unusual significance and interest.

Mr. Hoffman assisted Mr. Maxwell, and he was thus at once placed conspicuously before the public; perhaps on no occasion did he ever appear to better advantage than in conducting this trial. He grappled all the difficulties of the question with facility and boldness;



“he pushed every argument to the uttermost ;” and in short, so fully developed the qualities of a great lawyer, that he at once took a commanding position in this new field of action.

As we have seen, Mr. Hoffman commenced life a Democrat, an ardent supporter and admirer of General Jackson. But he believed the United States Bank to be a moneyed corporation created for national purposes, which had proved superior to, and regardless of, legislative restraint, and which controlled, aided and advanced the whole resources and industry of the country ; therefore, the removal of the deposits was a hazardous experiment, dangerous to the country and ruinous to its prosperity. When the President actually proposed such a removal, Mr. Hoffman, Moses H. Grinnell, Dudley Selden, and a large number of other prominent citizens, abandoned the Democratic party.

These distinguished personages, in a large and enthusiastic meeting, publicly declared the reasons which guided them in this step. Mr. Hoffman, in an able and statesman-like speech, sustained his compeers in thus deserting their party.

“Men will see,” said he, “that henceforth the relation between the government and the Bank must be hostile, and between the banks selected for holding the deposits mistrust, doubt and uncertainty will take the place of confidence. Without a National Bank, the stability and safety of the whole monetary system will be endangered.”

From that time, during the existence of the Whig party he continued to act with it—devoting, however, but little of his time to politics ; the duties and labors of his profession engrossing his time and talents. He gave his attention mostly to criminal business, and for twenty-five years there was not an important criminal trial in the City of New York in which he was not employed as counsel.

Among these was that of the *People v. Richard P.*



Robinson, tried in the City of New York in 1836 for the murder of Helen Jewett. The inflexible determination with which he defended this desperate case, added much to his reputation.

On the morning of April 10, 1836, the body of Helen Jewett was discovered, terribly mangled, in her room, at the residence of Mrs. Townsend, in the City of New York. Between eight and nine o'clock in the evening previous, Robinson came to Mrs. Townsend's and requested to see Miss Jewett. He wore one of the cloaks which at that time were fashionable; and while asking for Miss Jewett he leaned against a post in the hall, so that the person of whom he inquired had a view of his face. Helen was at this time in the back parlor; but hearing the inquiry, came into the hall. The man was then ascending the stairs which led to her room. She followed him up the stairs, and when near him she exclaimed, "My dear Frank, how glad I am that you have come!" They then went up stairs and were not seen again until eleven o'clock, when Miss Jewett came to Mrs. Townsend and asked for a bottle of champagne. After a few minutes that lady took the wine to Miss Jewett's room, where she again saw Robinson, who was holding a candle and reading a book. From that time until the discovery of the murder, no person saw Helen Jewett. The house was closed a little after twelve o'clock. In the course of the night, some one asked Mrs. Townsend to be let out; she made no reply, and the demand was not repeated.

Quite early in the morning she went to Helen's room, and on opening it, a quantity of smoke gushed out. She gave the alarm, and a watchman came in, extinguished the fire, and discovered Miss Jewett's body shockingly mangled with some sharp instrument. In searching the back yard of the house, a hatchet, covered with blood, was discovered; and in a yard adjoining, Robinson's cloak was found. A piece of twine was attached to the hatchet, and an-

other piece, corresponding with that on the hatchet, was found tied to the cloak. The hatchet had undoubtedly been tied to the inside of the cloak by the twine, and thus concealed. It was evident that the man who left the cloak and hatchet escaped by climbing the fence between the two yards. This fence was covered with a heavy coat of whitewash. Robinson was found at his lodgings soon after this discovery; his pantaloons were marked with lime, indicating his contact with the fence in the rear of Mrs. Townsend's residence. He was a young man, about twenty-two years of age, a clerk in a wholesale dry-goods house. His relations with Miss Jewett had been of the most intimate nature, and there appeared no motive whatever for the commission of the terrible crime. He was promptly arrested, committed to jail, indicted, and brought to trial. Ogden Hoffman and William M. Price, afterwards United States District-Attorney, were retained by the friends of Robinson to defend him.

Of all the criminal trials which up to that period had occurred in the City of New York, none created the interest which this did. A week or more was consumed before it was given to the jury.

Mr. Hoffman, "in one of those brilliant, eloquent, and fervid effusions, which in the career of his large and extensive practice, gave him imperishable celebrity, and never-dying fame, opened the case for the defense." He spoke with keen and cutting satire upon the character of the witnesses. He dwelt with great ingenuity upon the question of the identity of the person calling for Miss Jewett on the evening before the murder—upon the significance of the fact, that she accosted the man who called for her in the evening, by the name of Frank, and not Richard; contending that mistakes upon this subject so frequently occur in the common affairs of life, even with respect to persons with whom we have had immediate communication, that before a man should be sent to the



gallows, there should remain no doubt whatever that he was really the person who committed the crime; especially where there is an entire absence of all motive. On the question of motive, he made a strong and forcible argument. "Where the evidence is merely circumstantial," said he, "the absence of any motive for the commission of the crime, is a strong point in favor of the accused." Finally, the veracity of the witnesses for the people, their tenacity of memory, acuteness and accuracy of hearing and observation, were commented upon with the most sagacious skill by the eloquent advocate. But his own hypothesis of the prisoner's innocence was as bold and ingenious as it was ably maintained.

Mr. Price followed Hoffman in an address to the jury of great power and weight.

The prosecution was conducted by Thomas M. Phoenix, Esq., District-Attorney, assisted by the ablest lawyers in the city, who made every effort in their power to convict Robinson; but the impression which the thrilling eloquence of Ogden Hoffman made upon the jury could not be overcome. After an absence of three hours and a quarter, they returned with their verdict. They filed into court with that peculiar tread, which nothing but a returning jury has; amid the most breathless silence of the vast audience assembled, they took their seats; it was a terrible moment for Robinson and his friends,—a moment in which life or death was to hang upon a single word, and that word was about to be uttered. Those who watched Ogden Hoffman at that moment, as he sat within the bar, apparently calm and emotionless, could discover in the deep lines of his speaking face, the intense anxiety—the contending emotions of hope and fear—which pervaded his breast. At length the clerk arose, and in a voice which rang clearly through the court room, asked the momentous question:

"Gentlemen of the jury, have you agreed upon your verdict?"



The foreman arose and solemnly answered, "We have."

Again the voice of the clerk rolled over the audience: "Prisoner, look upon the jury; jurors, look upon the prisoner at the bar. Do you find the prisoner guilty, or not guilty?"

There was a moment of silence,—a moment of almost heart-bursting suspense. All bent forward to catch the answer, as it came from the lips of the foreman—"We find the prisoner at the bar, not guilty."

Those who have witnessed that portentous stillness which awaits the coming of the storm—one moment a silence so deep that the pulse of nature seems to have ceased, the next the wild sweep of the hurricane—will have some idea of the scene that followed the announcement of this verdict. The pent up emotions of friend and foe gave way, and for a moment a passionate outburst swept through the court room; but Richard P. Robinson was free. The moment the verdict was pronounced he fell insensible into the arms of his friend, Mr. Hoxie.

This unequaled and singularly successful defense loses nothing of its brilliancy when compared with Erskine's defense of Hadfield, or Curran's effort in behalf of Orr. It gave Mr. Hoffman a high rank among the great popular orators of his day and profession.

As a distinguished lawyer said of him: "In criminal cases, he was infinitely the superior of any man at the bar. *Primus inter pares*—he stood without a compeer. Here his perfect knowledge of criminal law—his deep insight into the springs of human action—his solid sense, combined with his surpassing eloquence, gave him a position for which none had the temerity to contend."

His defense of Walker, charged with the murder of his wife, was another of those successful and powerful defenses in which he succeeded against circumstances which pointed with fearful certainty against

his client, but which were answered by an ingenious hypothesis, sustained by an eloquence which caused the heart to bow to its supremacy, replete with cutting sarcasm and logical acuteness.

In the character of a prosecutor, he was as powerful as in the defense. This was exhibited in his prosecution of Colonel Schlessinger, a "discomfited fillibuster in Nicaragua," and John L. O'Sullivan, Douglass Benson, and other cases of great importance.

But it must not be supposed that Mr. Hoffman had no abilities as a civil lawyer. On the contrary, some of the most difficult cases, involving the most intricate legal questions ever tried at the New York bar, were conducted by him, as were many of the reported cases adjudicated in the Supreme Court, Court of Errors, and Court of Appeals.

His ideas of the criminal practice will be better understood by a reference to a conversation which he once had with Mr. Evarts, as related by that gentleman himself, who at an early period of his practice had been engaged in a criminal trial against Mr. Hoffman, in which he was defeated.

"I was," said Mr. Evarts, "a stranger to Mr. Hoffman until then ; but I have never forgotten, neither the singular kindness of the man, nor the singular wisdom of his counsel."

"Mr. Evarts," said he, "though you conducted this case in a manner highly creditable to you, and though it may not be agreeable to you to know that your efforts have been defeated, let me say to you, that it is the most fortunate circumstance in the result of the trial to you. I was, some years ago, the counsel for a criminal accused of a great crime. The result of my effort secured his acquittal. I gained in professional repute, but I have ever been sensible, though my own conscience suggests nothing to reproach myself with, that the sober sense of the community has taken some umbrage at that result. Now, in the result of this trial, you are safe from this influence.



Take my advice: adhere to civil business, and let the criminal courts alone."

"He was," continued Mr. Evarts, "a very able lawyer; and I mean it in the sense that every lawyer is able, if he be able at all; he was able to the time, the occasion, and the effect. He had embodied, digested, and assimilated to himself the great principles of the law and reasoning that make up the character of the lawyer."

Mr. Hoffman once said, in speaking of Thomas Addis Emmet, "Listening to him, you were struck with his power; he seemed like a piece of immense machinery, moving with the greatest regularity and smoothness, and yet as if restraining its gigantic power."

Like William Wirt, Mr. Hoffman was entirely the lawyer. The consciousness that his proud position at the New York bar gave him more real fame than could be won in the political arena, kept him from politics; and yet he was strongly attached to his party, and possessed partizan zeal. Often, in the great political gatherings which took place in the city, he was called upon to address his fellow-citizens on political subjects. At such times he was always enthusiastically received, and his country, its institutions, its policy, its interests, its destiny, were the topics on which he descanted. His loyalty to truth caused him to avoid all arts of the demagogue; and he spoke the honest conviction of his own mind "straight out," with an intensity of thought, with an elaborate finish, and a cogency of reason, which marked the productions of the great English statesmen.

In the winter of 1828, he was a member of Assembly from the City of New York. His labors as a member of the Judiciary Committee are remembered by several elaborate reports recommending amendments to the practice and procedure of the State courts—bringing complicated actions to the plainest constructions of law and reason. His touching and beautiful



speech, delivered on the announcement of the death of Governor Clinton, is not excelled in the English language. With the exception of this legislative term, Mr. Hoffman remained several years free from the storms and the anxieties of political life.

At length he was compelled to enter public life for a time. In September, 1836, amid the political contest which resulted in the election of Mr. Van Buren to the presidency of the United States, Mr. Hoffman was nominated by the Whigs of the third Congressional district for member of Congress, and was elected by a large majority.

In the mean time, the pecuniary pressure which followed the issuing of the specie circular, and which was already general and severe, was rapidly approaching its crisis. In May, 1837, the event for some time anticipated by many—a general bank explosion—took place, the banks in the City of New York by common consent suspended specie payment, and a panic followed in the commercial world, unparalleled in its results and duration, and which convulsed the nation, throwing a cloud over the administration of Mr. Van Buren.

Soon after the suspension in New York, the President issued a proclamation for an extra session of Congress, to be convened on the 15th of September following. With the opening of this session Mr. Hoffman entered Congress. In the debates which took place in the House during this exciting session, he took a conspicuous part, though he did not often occupy the floor; yet when he did he always commanded respect and attention. His position on the Committee of Foreign Relations subjected him to great labor. The industry and ability with which he discharged the duties thus committed to him gave him much prominence.

On the 16th of October the extra session adjourned, and Mr. Hoffman returned to his constituency. An immense meeting was waiting to receive him on his arrival in the city, and his reception amounted to an

ovation, such was his popularity. His speech on that occasion was warmly commended.

“I come to you, my masters,” said he, “as your servant, commissioned in an hour of peril with high and responsible duties, to give you an account of my stewardship. I am conscious that it is for you to weigh your public servants in the balance, and, if found wanting, to displace them. No public officer is absolved from his responsibility to the people. Political power is not a prize which justifies arts and compliances that would be scorned in private life. Political power is a weak engine compared with individual intelligence. The great hope of society is individual character.”

He then entered upon a consideration of the distresses of the country :

“In all periods of our history,” said he, “the state of the country has afforded a topic of controversy. One class of politicians, in their zeal to find fault, have been disposed to exaggerate every partial misfortune or local distress ; while others were equally ready to magnify all our advantages—to gloss over failure and mishaps, to set down our increasing prosperity to the credit of political sagacity and skill. As it is frequently more profitable to praise than to blame men in power, the latter class of politicians have been the most numerous and confident ; and not content with refuting the arguments of their opponents, they have, in most cases, treated their complaints as mere factious clamor, proceeding from the sinister motive of private interest or ambition.

“The present times, however, present the singular spectacle of unanimity on the actual condition of the country. Here is, unhappily, no longer any room for controversy on this formerly doubtful point, and the tardy conviction of the most incredulous now yields to the irresistible evidence of facts too notorious to be denied. One universal cry of distress is heard throughout the land. Nor is it particular branches



of industry that have decayed ; but every sphere of industry is at a stand—and this, too, in a community such as ours, with every advantage of agriculture and science, with artizans well trained in every mode of refined and ingenious industry. The laborer has now to struggle against the double calamity of low wages and want of employment. The same causes which have entailed such general distress on the laboring classes, have assailed their employers. Why is it then, that with such unexampled advantages to secure national and individual prosperity, we are reduced to a state of actual wretchedness? What principles of mischief have been operating to counteract the strong basis of society to improvement, and to undermine the solid foundations of prosperity?

“On this question, various and contradictory opinions have been formed; we all agree that distress is upon us, but differ as to its cause. I propose now to give my reason for the cause of the great evils under which we are suffering.”

He then reviewed the causes of our financial difficulties, and his speech on it was considered at the time as one of the ablest and most statemanlike dissertations upon the great questions then before the public, which had in any form appeared before the people, and it was read with interest by persons of all parties.

The regular session of Congress opened on the fourth of December, 1837. The great questions before that body were the establishment of an independent treasury; the bill to repeal the Specie Circular of July, 1836; the annexation of Texas; the petitions for the abolition of slavery in the District of Columbia. These questions, some of them of the most exciting nature, were discussed with an ability which gave Congress a paramount position over the parliamentary bodies of the civilized world. In these debates Mr. Hoffman frequently participated. His labors on the floor, and

on the important committees to which he belonged, rendered his labors arduous and difficult.

On the third of March, 1839, the twenty-fifth Congress adjourned.

Mr. Hoffman was not desirous of a re-nomination ; but the Whigs of his district strongly insisted upon returning him ; and in the fall of 1839 he consented to accept a second nomination for Congress. He was again elected ; from December, 1839, until March 3, 1841, the laborious duties which devolved upon him by the twenty-sixth Congress, occupied the principal part of his time. Before this session closed, he was tendered a re-nomination, but he emphatically declined.

The election of 1840 resulted in the triumph of the Whig party, and the election of General Harrison.

One of the first acts of President Harrison was to appoint Mr. Hoffman United States District-Attorney. The duties of this office were congenial to his taste, and in the discharge of them, new professional honors awaited him. As has already been said, at the expiration of Mr. Maxwell's term as District-Attorney of New York City, in 1829, Mr. Hoffman succeeded him. The experience of six years in the discharge of this office gave him peculiar qualifications for the office which General Harrison bestowed upon him.

He continued to discharge the duties of this office for a little over a year after the accession of Mr. Tyler to the presidential chair, when he resigned. Though "one of the great lights of the Whig party," after retiring from Congress in 1841, he mingled but little in active politics.

In the fall of 1854 he was elected Attorney-General of the State, and served the usual term of two years. This was the last official position which Mr. Hoffman held. From the time of his leaving Congress, almost up to the very hour when death fell upon him, he was engaged in his professional duties.

As has been well said of him by another : "The



great triumphs of Ogden Hoffman were at the bar, and it is no disparagement to others to say, that there he was unequaled. His legal erudition was laid deep in the foundations of great elemental truths. It may be said of him—to borrow the idea of one who combined the philosophy of law with sagacious statesmanship—that as lawyer his mind was not confined within the narrow sphere of the every-day practice of our courts; but it arose to the lofty heights of the great principles of national and public morality.”

As one of the leading journals of the City of New York remarked at the time of his death :

“No man in our city has ever had a larger circle of personal friends. No man in the practice of the law in this State enjoyed more universally, the unqualified affection of the members of his profession. His social qualities were of the highest order. Indeed, his genial and kindly nature influenced him in his course in politics as much as in private life, and saved him from the hostility of opponents.”

As an evidence of the truth of this remark, as soon as his death was announced in the city, the Democratic General Committee immediately assembled. Lorenzo B. Shepard took the chair, and John Cochrane offered the following resolution :

“*Resolved*, That the members of this committee have heard with emotions of regret of the decease of Hon. Ogden Hoffman, late Attorney-General of the State, and for many years a representative in Congress from the City of New York; that his uniform frankness and courtesy of character, his honest devotion to the constitution of the country, his services rendered as an officer in the navy of the United States with the gallant Decatur, with his large abilities and capabilities for future usefulness, all combine to impress us with the loss we have sustained in common with the citizens of this State.”

This resolution, originating as it did, from political

opponents with whom Mr. Hoffman had often met in the collisions of party strife, is one of the most beautiful commentaries upon his life and character which could be offered or produced.

In person, Mr. Hoffman was slightly above the medium height, full proportioned and erect. Two years before his death, an article descriptive of his personal appearance appeared in one of the New York papers.

“Who is that merry-faced, laughing-eyed, slouchy looking elderly gentleman, with thin whitish hair, for whom everybody in the crowd makes way about the City Hall steps, and who pause in their conversation to look at and bow to? Who is it? A pretty question to ask about one of the most beloved of men—one of the most popular, and who for this year, and one to come, will occupy the next highest position in the United States to the Cabinet Attorney-General. You only whisper the question, for not to know him will unquestionably argue yourself unknown. . . . .

“He has been in the legislature, he has been District-Attorney in two counties, he has been United States District-Attorney and member of Congress, before occupying his present office, which was never so well adorned. He has a future, too, of promise, for he has already been named for Governor and Vice-President. . . . .

“He is the best orator in the State by all odds. He speaks with great ease and fluency, in choice language, in well-rounded sentences, and with a grace of gesture and dignity of manner. He can be gay, witty and pathetic, but chiefly excels in the latter. Few who heard his defense of Richard P. Robinson, can forget his ‘My poor boy.’ ”

It may well be said of Mr. Hoffman, that he was “not of great property, but rich in integrity.” He never aspired to riches, he saw around him, on every side, too much of vulgar wealth, too many instances



of plowmen turned lords, too much tawdry display in those whom fortune relieved of poverty, while she left to them their reeking vulgarity, to desire that kind of distinction.

How many there are in the great metropolis who have bartered happiness, soul, body, manhood, everything, to become wealthy, and who count their wealth by millions, yet cannot purchase with it all, two simple lines that record the fame of Ogden Hoffman.

Mr. Hoffman continued to wear the armor of the bar—to be a contestant in that arena to which he was drawn by his youthful ambition, and where he made his name memorable and historic, until, like a gallant veteran, he fell on the field of his glory.

He died suddenly on the second day of May, 1856, in the sixty-third year of his age.

The general demonstration of public and private sorrow that followed the announcement of his death, attested the estimation in which he was held.

A large meeting of the New York City bar was immediately convened at the City Hall. All the courts in session in the city immediately adjourned, and in many parts of the city business was suspended.

A committee consisting of Ambrose L. Jordon, Joseph Blunt, J. W. Edmonds, Charles O'Connor, Francis B. Cutting and Daniel Lord, were appointed to draft resolutions expressive of the high respect which his surviving brethren of the bar entertained for his memory, and their grief at his loss.

Since that period, the chairman of that committee and several of its members have followed him to the bar of that dread Being to whom the distinctions of earth are nothing, at whose right hand are eternal pleasures and glories.

The demonstration at Mr. Hoffman's funeral has never been equaled in the city, since Hamilton went to his grave.

Mr. Hoffman left one son, who is the present Judge

Ogden Hoffman of the United States District Court for California—a son worthy of his honored father.

The character of Ogden Hoffman, whether as the lawyer, legislator, orator, or the private citizen—the husband—the father—the Christian gentleman, is certainly one to be studied—to be admired—to be imitated.