

**LIVES**  
**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 CHANCELLORS," "LAWYER AND  
CLIENT," ETC.

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**VOLUME II.**

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## DANIEL LORD.

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No name is more intimately associated with the bar of the State of New York than that of Daniel Lord—no name calls up more pleasing recollections than his; for in him were blended those qualities which are admired by the man of business, the scholar, the lawyer, the judge, and all who venerate virtue, religion, and talent.

As Lord Brougham said of Percival, "He was a warm and steady friend, a man of the strictest integ-

rity and nicest sense, both of honor and justice, in all the relations of society wholly without a stain—though envy might find whereon to perch, malice itself, even in the exasperating collisions of the bar, never could descry a spot on which to fasten.”

As a counselor and advocate, his characteristic features were strength and originality of thought. His intellectual efforts brought with them, both in form and style, the stamp of his own mind and of mental independence. His mind was a well arranged legal library, where he could easily lay his hand upon whatever he desired. He was always strong before a jury, and in cases which called out all his faculties, he was eloquent, often impressive, occasionally ardent, though his ardor was rather the offspring of strong reason than the flow of imagination—the result of a strong prepossession of the justice of his case, than the power of sentiment or of ideality.

He made no claim to the external graces of the orator—no parade of learning. He did not enter any field of argument in the glittering panoply of science and erudition, wielding at pleasure all its arms; but like Hercules with his club, he used a single massive weapon familiar to his hand, smoothed and polished by frequent use, and that was the law. He entered the legal profession in the glow of youthful ambition, gradually winning his way to its highest honors,—in the meridian of his life a chieftain; in its decline a veteran—a champion with his armor on, still braced for the contest—moving triumphantly over that field of strife which he never abandoned for political distinction or the emoluments of office.

He was born at Stonington, Connecticut, on the second day of September, 1795. He was an only child of Dr. Daniel Lord, a physician of respectable attainments, but a man little calculated for the rough contacts and hard struggles of life. Dreamy and scholastic in his nature, with a book ever before him, he would forget his trials in the beautiful creations of



the poet—in the realms of science, or in the scenes presented by the historian, where monarchs, heroes, and martyrs are actors; and, therefore, though he acquired a competence, he never amassed riches.

In the year 1797, Doctor Lord removed to the city of New York, where he entered into a practice which promised to be lucrative; but at a period when his professional success began to have the appearance of certainty, he relinquished it, strange as it may seem, after having won public commendation for his heroic devotion to the sick during the prevalence of the yellow fever which raged so fearfully in New York in the year 1798.

The first victim of that appalling scourge was attacked on the 29th day of July, and died after a very short illness. Though his case was attended by most malignant symptoms, such was the healthiness of the city at the time, that his death excited no alarm. The deceased was a merchant whose store was in Front-street near Coenties-slip, and it was believed he was taken ill at his store. A few days after his death, several persons in that locality were attacked with the same sickness; but as their symptoms resembled a common cold, they did not regard the matter serious enough to call a physician. When at length medical aid was sought, they learned to their horror that they were suffering with the yellow fever, and beyond recovery. In a short time the disease spread to New-slip, Cliff-street, John-street, and other parts of the city; in some places not a family escaped its ravage; death, terror and misery reigned on every side. For a time it seemed as though the death angel was hovering over the city, and many fled from it as from the caverns of destruction.

At first, funeral processions followed one another in rapid succession; but at length this respect for the dead was abandoned, and they were hurried to the grave in carts and drays, with no ceremony whatever.

Many of the physicians in the city, actuated by the love of life, fled to places of safety : in the course of time many others were stricken down by the disease, leaving scarcely enough of the medical fraternity to attend to the sufferers.

Amid this pestilence, which indeed *walked in darkness*, Doctor Lord devoted himself to its victims with unwearied energy and calm fortitude. In the homes of the wealthy, in the abodes of poverty, by night and by day, he was constantly at the side of the suffering and dying. Around him flew the invisible arrows of death. Still he adhered inflexibly to his duty, bravely continuing at his post. With scientific observation he watched the effect of his prescriptions, carefully noting every phase of the disease ; like a skillful general, valiantly resisting the attacks of his enemies, and preparing to repulse new onsets. He thus learned the nature of the disease and the mode of treating it,—and this knowledge subsequently became of immense value to his professional brethren.

At length the pestilence passed away, health and prosperity returned to the city, and Doctor Lord retired from the duties of his profession and engaged in the occupation of a druggist.

Mr. Lord's mother was a superior woman, who exerted an excellent influence over him, and he ever regarded her with affection and veneration.

For a time, the business affairs of Dr. Lord progressed favorably. His business, though not extensive, was sufficiently remunerative to enable him to educate his son, while it furnished him a respectable livelihood. But in the decline of his life, pecuniary difficulties overtook him, which swept away nearly all his property. Fortunately for him, his son, long before this, had entered the battle of life, and if his advance had not been brilliant, it was sure and certain ; he had already won a competence, and he prepared a home for his aged parents, where,



through the remainder of their days, they were surrounded by every comfort, and their last years rendered happy. Dr. Lord died in 1845, and his wife survived him two years. If there was no other record of Daniel Lord than that of his filial devotion, his name would attract attention and respect.

When Dr. Lord removed to New York, he purchased a house which was situated on the corner of Old-slip and Water-street; here he continued to live until it was destroyed by the great fire of 1835. This was the home of Daniel during his youthful days. Although unpretending, it was attractive and respectable. From the active scenes of life, from the triumphs of his professional career, Daniel Lord often looked back to this home of his childhood with inexpressible emotions, born of a lively remembrance. How beautiful are the associations which bring such reflections to the mind; when the heart, "lone mourner of its baffled zeal," is calloused by ambition, avarice, pride—when, tired with tumult—baffled in hope—beaten by the storms of life, through many a vanished year they flash upon us as a dream of what we were, and carry us back to the scenes of our early days of innocence.

At an early age Daniel was placed in one of the best schools in the city, where he prepared for college. At this institution he gained a knowledge of the French language, which he never lost. Indeed, in the last years of his life he derived great enjoyment from French authors, particularly the tragedies and lively tales of Marmontel.

In a letter to a literary friend, with whom he occasionally corresponded, he speaks of Voltaire as follows:

"The first name in French literature, during the period through which the Marmontel Memoirs extend, was unquestionably that of Voltaire; and they contain a considerable number of anecdotes relating to him. The impression which I have formed of him

from these is not unfavorable. He is represented to be more friendly and more genial than I had supposed—full of vivacity and impatience, to a degree of childishness and folly; extremely changeable in his humor; vain, satirical and ambitious, without modesty and without measure; but he was a gifted and powerful writer. Had it not been for his abominable skepticism, his name would have been much brighter in history; but, as an eminent modern writer has said of him, ‘he had nothing of Mephistophiles in him. His fault was, that he was too humane; that is, too weak and too unsteady. Besides, we must remember, that in opposing religious opinion he was opposing the opinion of Monks and Jesuits. Fanaticism discontented him with Christianity. Observe the difference with which he speaks of the Protestant faith—with what gravity and respect. Had he been in England, I doubt if Voltaire had ever attacked Christianity. Had he been born two centuries before, I doubt whether his spirit of research and his daring courage would not have made him the reformer of the church, and not its antagonist.’ ”

It would indeed be difficult to obtain a better insight into the character of Voltaire than is here given. It is a strong mental portrait, drawn by a master’s hand.

In the year 1811 Mr. Lord entered the sophomore class at Yale College, under the charge of Dr. Timothy Dwight, who, as has well been said, “possessed by nature one of the highest orders of mind—a mind in which the faculties were all great and all in harmonious proportions, forming a fine example of a well-balanced mind.” A warm and agreeable friendship commenced between young Lord and Dr. Dwight soon after the former entered college. The influence which the doctor had upon him was manifested in many of the features of Mr. Lord’s character—first in the college student, and then in the lawyer and citizen.

That he gained the firm friendship of Dr. Dwight,



is a sufficient guarantee of his success and abilities as a student; for, as the doctor himself was the impersonation of industry, he admired that quality in others, and had no patience with indolent students.

“I can tolerate a dull student,” said he, “because that is a misfortune—an imperfection in organization—but indolence is a vice engendered by habit, and therefore I cannot endure it.”

Among the works Daniel read in college, were Campbell’s Rhetoric, Paley’s Theology, Gibbon’s Roman Empire, Chastelleaux’s Travels, Hume’s History of England, with a little of Moore’s and Falconer’s poetry, the Spectator, and the Vicar of Wakefield. The latter was always a favorite with him. He was serious, reflective and sincere, possessing great veneration for religion, though then not an avowed professor. The Bible with him was always a favorite book. He was delighted with the delicacy of sentiment, the felicity of allusion and the force contained in the Psalms, and he regarded sublimity as a characteristic feature of Hebrew poetry, heightened by the splendor and magnificence of their sacred rites and their symbols of faith.

In the summer of 1845 the Rev. J. M. Sprague, a respectable clergyman who then resided in Buffalo, being in New York, took passage for Albany on one of the splendid steamers plying between the two cities. As soon as the boat was well under way, a party of young people on board prepared for a dance, and in a few moments “music arose with its voluptuous swell,” and the dance commenced.

Mr. Sprague not being particularly interested in the amusement, turned away, with the hope of meeting some person whose taste would be more congenial with his own. The saloons and cabins were filled with gay and happy people, some of whom were engaged in lively, cheerful conversation, while many were deeply absorbed over games of cards. For some time

he wandered about the boat, finding no one whose acquaintance he desired to make.

At length he discovered a gentleman seated at a table in one of the cabins, engaged in reading a Bible which belonged to the boat ; his black broadcloth suit, his grave, thoughtful and intelligent face, convinced Mr. Sprague that he was a clergyman. Accordingly, he seated himself a short distance from him, took a paper out of his pocket, and began to read, determined to make the stranger's acquaintance when he closed the book.

The latter continued to read for some time, occasionally making a note in a small blank book which lay on the table before him. At length he ceased reading, and taking a small piece of paper, placed it between the pages on which he had been engaged, closed the book, and walked to the other end of the cabin.

Curiosity impelled Mr. Sprague to examine the pages thus marked, and opening the Bible, he found the mark between the thirtieth and thirty-first chapters of Deuteronomy, in which Moses as a speaker addresses the children of Israel in a solemn and interesting oration, exhorting them by the most inviting promises to the observance of the covenant, and dissuading them from the violation of it, by threats of the most exemplary punishment ; and for the purpose of impressing the same more forcibly on their minds, he afterwards embellishes the subject with the elegance of a poem which bears every mark of divine inspiration. The clergyman discovered several verses in these chapters marked with a pencil, among which were the first three verses of the thirty-second chapter, beginning with the words : "Give ear, O ye heavens, and I will speak ; and hear, O earth, the words of my mouth."

After some time the gentleman returned, and as he took his seat, Mr. Sprague courteously addressed him. As he was pleasant, urbane, and intelligent, an agreeable conversation commenced, which was natu-



rally connected with religious subjects and the Bible. The clergyman was delighted with his new acquaintance, and thoroughly believing him to be an eminent minister of the Gospel, was determined to ascertain who he was and where he was engaged in preaching; but before politeness would permit him to make the inquiry, the gentleman was called to another part of the boat, and he did not see him again that evening nor during the passage.

Mr. Sprague was detained at Albany the next day, and, having some leisure time, he visited the Court of Errors, which was then in session at the capitol. On seating himself in the Senate chamber where the court was sitting, to his surprise he discovered among the lawyers in the bar, the minister of the Gospel with whom he was so interested on the evening previous; but, supposing he had been invited to a seat there by some one of the lawyers present, he thought no more of the matter, until, to his utter astonishment, his clerical friend arose to address the court. As he proceeded, the court, bar, and spectators listened with the most profound attention. Mr. Sprague soon ascertained from his language that he was arguing a case of great importance.

“Am I mistaken?” thought the minister. “Is it possible that he is a lawyer? He did not talk nor act like one last evening.”

After some time the speaker closed and took his seat. Mr. Sprague could control his curiosity no longer, and approaching the sergeant-at-arms who stood near to him, said:

“May I ask you who that gentleman is that has just closed his speech?”

“Certainly, sir; that is Daniel Lord, of New York.”

“Daniel Lord! is it possible? Why, I have heard of him often. I came up from New York with him on the boat last night, and took him for a clergyman.”

“Well, sir, you were mistaken that time, though



he's a good enough man to be a minister. He is one of the best lawyers that come here, and what is more, he's an honest lawyer, sir, and the judges all believe him," said the sergeant.

"I thank you, sir, for your information, and I am happy to know that there is now and then a pious lawyer," said Mr. Sprague, and he turned from the officer to leave the Senate chamber.

In 1814, Mr. Lord graduated with distinction, standing second in his class.

Having decided to enter the legal profession, immediately on leaving college he commenced his legal studies in the law school at Litchfield, Connecticut, in which Judge Gould was then the principal instructor. He continued at this institution one year, engaged in studying the elementary principles of law, when he returned to New York and entered the office of the late George Griffin, who, for many years, was one of the great lights of the New York State bar, the associate of Thomas Addis Emmet, David B. Ogden, Josiah Ogden Hoffman, Wells, Blake, and other eminent lawyers, whose remarkable intellectual powers were often displayed in the highest courts of the State and nation. The trial of Goodwin for killing James Stoughton was one of the occasions on which Mr. Griffin's forensic eloquence shone forth with peculiar splendor. This case was tried at New York in 1820, before the late Cadwallader D. Colden, then mayor of the city.

Both Goodwin and Stoughton were young gentlemen who belonged to the most distinguished families in the city. A quarrel having taken place between them, they continued bitter enemies for a long time. On the nineteenth day of December, 1819, they met on the corner of Broadway and Courtlandt-street. A conflict ensued between them, in which young Stoughton was stabbed to the heart, and fell dead upon the walk. Goodwin was brought to trial for the crime, and an imposing array of eminent counsel ap-

peared for both the prosecution and the defense. Mr. Griffin was the leading counsel for the people ; he was ably sustained by Messrs. Wells and Van Wyck. J. O. Hoffman, T. A. Emmet, S. Price, J. A. Hamilton and Mr. Munroe, were opposing counsel.

It was a case of all-absorbing interest in the city, occupying an entire week. Mr. Griffin's address to the jury was without doubt one of the great legal speeches which have rendered the New York city bar so distinguished before the nation. He closed his speech in the following language :

“The syren voice of pity has been sounded in your ears in behalf of the prisoner's youth, and you have been invoked as you value your own salvation to temper justice with mercy. Mercy is indeed a heavenly attribute—it is the very attribute of the Godhead to which erring mortals will cling in that day of retribution when we must all appear before the judgment seat, not as judges, or jurors, or counsel, but to await our final sentence. Nor is this favorite of the skies a stranger to our jurisprudence. Our Constitution has provided a place for it to dwell, even the mercy seat of the executive. But jurors may not, must not tamper with it ; an oath enjoins them to forbear. It is chiefly because the law knows that jurors have compassionate and erring hearts that it fortifies them by an oath ; compelling them to lay their hands upon the word of life, and to call upon God to help them, or not to help them, as they decide according to the law and evidence. Awful alternative, cleaving unto or renouncing *the help of God !* And yet, gentlemen, this oath, with all its sanctions, rests upon your souls.”

After an able charge from the mayor, the jury retired, and at length returned into court with a verdict of guilty. Mr. Hoffman in behalf of the prisoner prayed that the jury might be polled ; accordingly they were requested to pronounce their verdict separately as their names were called. Slowly the clerk



commenced calling the jurors by name, and all answered "guilty," until the fifth juror's name was called, who, after some hesitation, answered "not guilty." "That is sufficient," said Mr. Hoffman, with a look of triumph, and the prisoner, who until that moment had remained standing, sank into his chair, overpowered by his emotions. The jury retired for further deliberation, but they failed to agree, and on a second trial Goodwin was acquitted.

It will thus be observed that the legal preceptor of Mr. Lord was well calculated by his example, as well as his teachings, to inspire his student with that professional ambition, and to impart to him that knowledge which is so necessary for a successful career at the bar.

As was said of Ogden Hoffman, Mr. Lord's legal education was laid in a thorough knowledge of great elemental principles. He was a close practical student, letting no question or subject pass until he understood it as thoroughly as his powers would enable him, always seizing the moment of excited curiosity on a subject, to solve his doubts, knowing that if he let it pass, desire to learn it might never return, and hence he would remain in ignorance. This was his habit through his whole professional life; he always adhered strictly to Franklin's practice of excogitation even to his latest hour.

In October, 1817, he was called to the bar, and from that time until two or three years before his death, when premonitions of disease compelled him to relax his labors, his life was entirely devoted to his profession.

"On May 16th, 1818, he was married to Susan, second daughter of the late Mr. Lockwood De Forest, of New York, for whom he had formed an attachment early in his college course. He, therefore, entered upon his life's career surrounded with all the great responsibilities, yet supported by all the still greater encouragements of married life. The path that lay



before him seemed both rugged and uncertain. He had chosen a profession which, though it accorded entirely with his taste, was one requiring immense exertions to secure success, and in which others could help him but little, if at all. Besides all this, his own circumstances, as well as those of his father, were such as would not admit of much waiting for fortune. He was already committed to the issues of life. The future of those he loved depended upon him, and the consequences of failure would be very serious. But he gathered up his courage, and recognizing fully his exact position, shaped his course accordingly. Gladly availing himself of his father's offer of a home with him, he brought his newly-married wife to the family dwelling. At first his practice was not sufficiently lucrative to enable him to contribute much toward the common support, but as his business increased, he gladly assumed half the burden of the family expenses, which were very moderate. He remained thus situated for many years, when his own increasing family made it necessary for him to seek an independent home for himself. After mature reflection upon the propriety of making such a hazardous experiment, and after many a calculation of the cost, he hired a small house in Laight-street, near Canal, and moved into it with his family, which then included three children. This was in 1825." While residing in this house, he was called upon to part with a lovely little boy, who was to his parents a ray of sunlight shining upon their pathway. He was with them but a year, and then amid the sober beauties of declining autumn, he left them; heaven took the treasured little one, but his removal was a heavy blow to them, particularly to Mr. Lord. For a long time

" Grief filled the room up of his absent child,  
Laid in his bed, walked up and down with him;  
Put on his pretty look, repeated all his words,  
Remembered him of all his gracious parts,  
Stuffed out his vacant garments with his form."

How many there are who can sympathize with Mr. Lord in that silent sorrow which was so long a tenant of his heart; who, like him, mourn some loved one of the past, some bud of promise, some cherub child, that in the earlier scenes of his manhood he clasped to his breast as the idol of his life, then left him for an early grave, but still lives in his heart of hearts, bright, beautiful, and loving, as when in the cradle,

“ He looked on him and smiled.”

Though such mourners move in the world like other men, suffering no pause in their career, “courting business—pleasures—letters—ambition; discharging life’s duties, fostering its affections, fulfilling its career, yet over their hearts a wintry change has passed, the sunlight of their life is shadowed. Though the stem, as heretofore, may be proof to the blast, yet the green leaves have been severed from it forever, and the bird has forsaken its boughs.”

An eminent English jurist has remarked that a lawyer can scarcely hope to begin a career of substantial prosperity until after he is thirty years of age. No lawyer could more fully appreciate this remark than Mr. Lord. As was said of Mr. Burke, he was born to no expectancy but what depended upon himself; to deserve eminence seemed the only way to obtain it. The mediocrity of his beginning saved him from a premature trial of his strength. His youth was a protracted season of preparation, neither immersed in business, nor lost in abstractions; devoutly seeking for the learning of his profession, and full of sober, serious purposes of utility, and inspired by a determination to succeed. The world lay before him in all its glittering possibilities, but it presented to him no prospect of success, except through his own unaided exertions. He had no part in its allotments. His ability and industry were his only titles. Honor and dignity to him were matters not of claim but of



achievement ; difficulty was his severe instructor, for it called all the dormant powers of his mind into operative existence.

Among the many distinguished cotemporaries of Mr. Lord who still survive him, is Mr. O'Connor, whose acquaintance with him began at an early period in life ; and though they were often opposed to each other in the contests of the forum, yet it was a generous, high-toned rivalry, which had in it the attraction of example, because, by the conspicuous success of one gifted and powerful mind, congenial abilities are prompted to action. Thus the success of men like Brady, Noyes, and Hoffman, was the nurse of capacity in others with whom they came in contact, which but for their example, might never have reached its maturity. From the abundance of one mind others are made prolific.

To use the language of Mr. O'Connor, "Daniel Lord was an extremely modest man, and though he had many facilities for so doing, if inclined, he did not at the outset, become at once engaged in very active practice. During the few years that intervened between his admission to the bar and my own, he was not very extensively engaged in contested causes ; and whenever we were called into the same case, during nearly forty years of my professional life, it almost invariably happened that we were placed on opposite sides. I found him an exceedingly formidable contestant. Nothing that diligence could discover, no agency that truth and honor could employ, ever failed to present itself upon his side. There was something remarkable in his laborious fidelity to his clients. I remember during the first or second year of my professional life, being engaged to prosecute a wealthy merchant for a humble mechanic. It was in a justice's court, and the sum in controversy was five-and-twenty dollars. The merchant would probably have paid thrice the sum, rather than enter upon the contest ; but pride often governs in these matters ; he



determined to resist, and the merchant's favorite of that day, Mr. Lord, was his chosen counsel. The six-men jury assigned by law to such cases witnessed our mutual efforts for a whole day; and I can confidently affirm, that Mr. Lord as earnestly and diligently devoted himself to the trial of that case as he ever applied himself to any similar duty, when ten thousand times as many dollars depended upon his exertions. Greater zeal, more unwearied efforts, more absolute ability, so far as the case called for it, were not exhibited in his greatest cases, than in that very small one.

“Amid the haste and excitement of the bar, the best regulated tempers will sometimes fail to preserve their equanimity. Though the instances were rare indeed, yet truth requires the admission that, occasionally, while Mr. Lord and myself were contestants at the bar, words have been elicited from each of us which might not seem to have been conceived in entire kindness, and which were not at the moment accepted with perfect amenity. Yet I firmly believe that there never existed on his part, during the long period marked by our intellectual combats the slightest rancor. I know upon mine, there never were any feelings but those of the most cordial and respectful nature. It has been said that Mr. Lord was a sincere Christian. His course in this branch of our mutual experience and intercourse afforded a strong proof of it. I perfectly remember an occasion after we had been for fifteen or twenty years contending at the bar, when contemplatively viewing the past, I recalled the fact that every sharp passage between us had been promptly reconciled by a generous advance on his part. Considering that he was full ten years my senior, and that, doubtless, I was not unfrequently the offender, this reminiscence very justly excited emotions akin to self-reproach. It imparted additional depth and earnestness to my habitual respect for him.”

Slow and discouraging as was his progress during the earlier years of his practice, his "habits of application coupled with the mental and moral powers which he possessed, at length brought their appropriate rewards. Success in the conduct of those unimportant litigations which fall to the lot of a young lawyer, procured him new clients whom his personal qualities soon converted into friends, and, his abilities proving equal to each larger trust that was committed to him, he gradually worked his way to the front rank of his profession, at a time when the bar of New York was made illustrious by the presence of men whose names will ever be conspicuous in the history of American jurisprudence."

Though he gained a high position in the city courts and in those of the counties adjoining, it was not until the year 1826 that he appeared in the Supreme Court at General Term, and some years more elapsed before he was heard in the Court for the Correction of Errors.

He had been at the bar but a short time before he began to attract attention as an equity lawyer. The earliest important cases which he conducted were in the Court of Chancery. Among these were the cases of *Wakeman v. Grover*, *The Fulton Bank v. The New York and Sharon Canal Company*, *Dickerson v. Tillingast* and others.

*Wakeman v. Grover* is a leading case—one that first settled the doctrine of voluntary assignments in trust. Grover & Gunn, in 1827, were among the heaviest mercantile firms in western New York, being engaged in business at Auburn. In the spring of 1828, they failed in business, owing a large sum of money to Wakeman and Varnum, who were the principals in two of the heaviest jobbing houses then in the city of New York.

As the Auburn merchants were on the point of failing, they executed a deed of assignment of their goods on hand, their debts, credits, and other prop-



erty, specified in a schedule attached to the conveyance, to three individuals at Auburn, upon trust. Among the usual conditions and provisions of such instruments, there was a clause making a preference to certain creditors in the distribution of the assigned property, to depend upon the execution by them, of a release to the debtors of all claims against them.

This conveyance was drawn by William H. Seward, then a young lawyer of a few years' practice, but who had already attained considerable professional reputation.

When intelligence of the failure of Grover & Gunn reached New York, their creditors there, believing the whole transaction fraudulent, determined to make an effort to have it so declared by the courts. Accordingly, Wakeman placed his case in the hands of Mr. Lord, directing him to thoroughly investigate the whole matter; and then, if he thought it advisable, to commence proceedings to set aside the assignment.

Even at that early period the New York merchants suffered severely from the fraudulent failure of the country dealers. This transaction was soon known to all the city jobbers; and Mr. Lord saw at once the vast importance of the case, not only to his own client, but to the city merchants generally. To himself, however, the matter was of paramount concern. To succeed in a case of this nature would have an inestimable influence upon his professional life.

He therefore studied the case deeply and thoroughly. Many of the questions in it were new. He carefully examined all the authorities bearing upon the matter, comparing and contrasting them with each other with the nicest discrimination. At length he satisfied himself that the assignment was fraudulent and void; and as soon as preliminary proceedings would admit, an action in chancery was commenced by Mr. Lord to set it aside.

In the action brought by Varnum for similar relief, John L. Graham appeared for the complainant.



The defendants answered the bill of the complainants, denying all fraud in the assignment, unless it was illegal on its face; and they insisted that it was not. Mr. Seward and the late Abraham Van Vechten appeared for the defendants. Mr. Van Vechten was then one of the ablest, if not the ablest, lawyer in the State.

At length the case came before the chancellor for argument. It was an important event in the history of Mr. Lord. On his advice his client had entered into this great litigation. The attention of the legal as well as the mercantile world was directed to it. But he was thoroughly prepared. He had the aid and sympathy of Mr. Graham, who was an accomplished and thorough lawyer. Perhaps no more finished and learned briefs were ever presented to a court of equity than were those presented by Messrs. Lord and Graham. That these arguments were clear, able and convincing, is attested by the result; for the chancellor held with them, and declared the assignment void, principally on the ground that it contained a clause excluding those creditors who should not come in within a limited time and give their debtors a general discharge; and also on another, which authorized the assignees to compound with all or any of the creditors, in such manner and upon such terms as they should deem proper, &c.

The defendants, not satisfied with the decision of the chancellor, appealed to the Court for the Correction of Errors, where, in the winter of 1834, it was argued.

Mr. Lord again appeared in opposition to the assignment. This was one of the first cases of importance, if not the very first, which he conducted in that high tribunal. Here he was compelled to contend against those giants of the bar, Samuel A. Talcott and Benjamin F. Butler. The first was, in every sense of the word, a great lawyer, "who was overpowering in the weight of his intellect—who produced in the minds

of his audience all the sympathy and emotion of which the mind is capable—all which the argumentative can produce on the hearer—all which solidity, pathos or splendor, whether derived from original or assisted powers—could convey, of pleasure or conviction to the heart or understanding ;” while the second possessed those powers and attainments, which, at the bar of any court—from those of the State up to the highest Federal tribunal—rendered him strong and effectual.

To enter the contest against such men was indeed a severe though profitable test of Mr. Lord’s abilities. His argument was plain and unassuming, but a model of force and precision. He examined, with learned scrutiny, whatever could by any possibility affect his case. He was full of his subject. He saw it in all of its bearings—felt all of its strength ; knew all of its weakness. He was strongly and ably sustained by Samuel A. Foote, one of the ablest and oldest members of the bar in the State. Mr. Foote first appeared in the Supreme Court in the year 1816. His name constantly appears in the legal reports of the State from that time down to the present day, and he has been honored by a seat on the bench of the Court of Appeals.

It was the good fortune of Mr. Lord to win the victory in this great contest. It was a triumph which brought to him results of inestimable value. He had now successfully measured weapons with the ablest advocates in the State, and from that time until he retired from his profession, he continued to be the favorite lawyer of the New York merchants.

While it is not pretended that the case of *Wakeman v. Grover* was in every sense the most important case which Mr. Lord successfully conducted, it cannot be denied that, considering the influence which it had upon his professional career, it was to him of surpassing moment.

Among the earlier cases in which Mr. Lord was



engaged were the celebrated fire causes, in which many new questions were involved, and great pecuniary interests were at stake. These he conducted successfully. Soon after these were disposed of, the Dutch Church case was intrusted to him.

As was remarked by Mr. Evarts after the death of Mr. Lord: "If we recall, as I have been led to do, by a somewhat hasty glance, the series of causes of the most excitable character, which in the Federal or State courts had engaged the attention of Mr. Lord, we shall see how large an area they covered, and how extensive a number of the most important professional employments came year by year, step by step, to be under his charge." After stating the cases which have before been alluded to, he continues, "The American Life and Trust cases, containing in so many forms questions of usury, and of corporate action, arising in the transactions of that large institution; the case of the Leake and Watts Charity, embracing questions of wills and of charitable uses; the Mason will; the Phelps will; and running through all the same period a series of insurance causes, of mercantile causes in every form, of revenue cases, either on the forfeiture side of the Federal courts, or involving the question of duties and their exaction, combine to fill up, year by year, month by month, day by day, the course of his practice embracing these important topics of jurisprudence.

"In the United States courts, the case of Carner and Astor, known as the Putman County Land case, and finally argued in the Supreme Court of the United States, in the year 1830, by Attorney-General Bronson and Mr. Webster on the one side, and by Mr. Ogden and Mr. Wirt on the other, was the termination of a great and important controversy between titles made under the Statute of Forfeitures following the Revolution, and the title under a private conveyance, resulting in the maintenance of the superior title of the private conveyance. This is understood to

have been a case in which Mr. Lord was the responsible and managing lawyer on the side of Mr. Astor, although the principal, if not the whole forensic display, at least, was in the hands of the very eminent lawyers, on the one side or the other, whose connection with the case is historical. Then, soon after the disasters of 1837, in which the downfall of the credit system of this country had induced a large series of litigations on the part of foreign bankers and foreign merchants pursuing their debtors here, there came the celebrated case of *Bell & Grant v. Bruen*, in the year 1843, resting upon questions of commercial guaranty. A little later, in the year 1850, the well known insurance case of *Barnard v. Adams* in the Supreme Court of the United States, tried first in the Circuit in New York, involving the question of the contribution in general average, to make good the loss of a ship voluntarily stranded, under peculiar circumstances of apparently hopeless peril—an interesting and novel question, upon which Mr. Lord was successful in supporting his views. The case of *Jasigi v. Brown*, a little later, in the year 1854, was a case of considerable magnitude, involving the question of accrediting by letters of commendation or representation, parties who were involved afterwards in debts for which suits were brought. The Methodist Church case followed—one of those notes in the prelude of the great storm which finally ended in the armed revolt and in a threatened dissolution of the country. This great controversy arose on the partition of the Methodist Church between the North and the South, and I remember the case as almost the only one which, as an observer, an interested listener from beginning to end, I have been unable to attend since I have been at the bar; a case discussed in New York on the one side by Mr. Choate, of Boston, and Mr. George Wood, of New York, and on the other, by Mr. Lord, and Mr. Reverdy Johnson, of Baltimore; a case, the splendor of whose debates astonished as it delighted our bar, and in which Mr.



Lord's peculiar traits and powers, contrasting so much as they did the brilliancy in one way and another, or the solidity of these eminent lawyers, nevertheless left the impression upon the court and hearers, that Mr. Lord's mode of style and dealing with forensic questions within the region of practical and sensible decision was as marked, as useful, and as distinguished, as any of the more brilliant or more imposing forms of forensic power which his opponents or his associates presented. Then came the series of Bank Tax cases, the prize causes in the courts of original jurisdiction, and finally the argument in the Supreme Court of the United States of the principal and interest prize cause, that of the *Hiawatha*, in which the doctrine of the war, as bearing upon the public law of prize, and of submission to the laws of blockade, growing out of the first emergency in which our civil war had placed the government towards the revolted States, were the topics discussed. In the case of the *Savannah privateers*, involving an interesting question of criminal law, in which these same questions arose, Mr. Lord appeared for the defendants.

“If to the causes which have been enumerated there should be added the large number of cases in which he was engaged, and which, though important, did not possess the magnitude of those that have been referred to, the reader would be surprised at the vast amount of legal business which he conducted during his practice.

“And yet amid this vast field of labor, he found time for extensive reading. He never discontinued his legal studies, and it was one of his habits to read leading cases in the reports, merely for the intellectual pleasure which this employment afforded; and he often remarked that nothing gave the mind a more healthy tone than the study of the older leading cases, especially those in which the points of counsel fully appear, or where there are dissenting opinions by the court. But neither the love of legal studies

nor devotion to his profession impaired his taste for literature.

“It has thus been well said that there are few traits of character more pleasing in themselves, more strongly indicative of a naturally ingenuous and uncorrupted mind, than the power of thus preserving a love for the tranquil enjoyments of literature, unimpaired by the excitement of professional life. With Mr. Lord, there was no revolt from the associations of the past, no affectation of novelty, no yielding to thoughtless progression, and hence he never abandoned entirely the studies of his youth. The amplitude of his mind was continued and enlarged by that course of reading which tended to the investigation of moral truth. He was a close and philosophic reader of history, and kept up an enlarged stock of elegant literature, and studied with increased delight the older English writers, and the splendid paraphrases of Pope never failed to afford him pleasure.

“That political ambition which is kept alive by the love of office and which calls into action the most malignant passions was always distasteful to him. Indeed he had no political ambition whatever. Had he desired political distinction, he possessed that ability and those elements of popularity with the people which would have advanced him to high distinction. Once in his life, he was made a candidate for the State Senate. He was invited twice to a seat on the bench—each time by appointment to fill vacancies—once in the Supreme Court in the first district, and once in the Court of Appeals. On each occasion he declined the appointment, not from any sordid motive—as all will believe who knew him—but from a deep grounded distrust of the plan of an elective judiciary, then recently adopted in New York, and from a consequent unwillingness to be in any manner connected with the system.”

Among the many eminent lawyers who, during his long practice, studied their profession with him, and



who survive him, is William M. Evarts, who thus describes his entrance into the office of Mr. Lord :

“It happened to me,” said Mr. Evarts, “to become acquainted with Mr. Lord, the first among the lawyers of New York that I ever knew. During my college residence at New Haven, I had become acquainted with his person, which had been pointed out to me in some of his occasional visits to that city, the seat of his college education. Some circumstance of family connection led me afterwards, when a student at Cambridge, upon the casual suggestion of a comrade that I should turn my attention to New York rather than remain, as I had expected to do, in Boston—to think, as a possibility, that my acquaintance, or the means that I had to make the acquaintance with Mr. Lord, then eminent in his position at the bar, might give me an introduction to his care and attention, and might afford me opportunities of education, under circumstances which required me to be very careful in regard to expense and risk, in any step that I should take which might lead me to venture to become an aspirant for the distinction and success of the profession in this great city. I therefore feel that Mr. Lord was really the reason, the occasion, the opportunity, the means by which I was permitted to be introduced to any degree of professional labor and prosperity, which may in my own sense, or that of any about me, have attended me. I remember very well the kindness with which he received me, and the willingness which he expressed to receive me into his office ; and when, at the appointed time, the succeeding summer, that of 1839, I presented myself, he said :

“ ‘ Well, Mr. Evarts, you have come to commence your studies and be a lawyer in New York ;’ and I replied doubtingly perhaps, as I supposed, modestly,

“ ‘ I have come to try.’

“ ‘ Well, sir,’ said he ; ‘ if you have only come to try, you had better go back. If you have come to stay, we shall be glad to receive you.’

“And when I amended my answer by the information he gave me, that it was possible for me to stay—that I had come to *be* a lawyer, he received me cordially; and from that time to the time of his death he was my friend, my supporter and my guide.”

As has been remarked by a recent writer :

“Mr. Lord was extremely simple in his tastes and habits, and it was one of his most striking traits that he was unwilling to have any one do for him what he could by any means do for himself. He always made his own minutes of testimony, kept his own books of account, and often copied his own papers, although all of these services would have been gladly rendered by others, if he would have allowed them to do so. These peculiarities were partly owing to his extraordinary capacity for attending to details, without neglecting more important matters, but they were also partly due, and perhaps in an equal measure, to the impatience of being waited upon. He was systematic in the arrangement even of trifles. The articles on his library table were never misplaced; the papers in his pigeon-holes were always in order, his drawer contained for years the same pen-knife, seal, and pencil, and always in the same corner; and his little pocket diaries, filled with the brief memoranda of his busy life for five-and-twenty years, were, after his death, found carefully preserved and arranged in succession, according to their years. The same habits of system and order could be observed in all the operations of his intellect. His thoughts, instead of floating at random through his mind, fell naturally into logical sequences, which aided his memory in retaining them. And thus whatever he had once acquired was kept ready for immediate use, and always in the most available form.”

Mr. Lord, though not peculiarly eminent for his colloquial powers, was animated, accurate and pleasing in conversation. In public and in private, he was distinguished for the simplicity of his manners.



“He had nothing of that dictatorial arrogance, that constant effort at strength and originality of expression, and those almost mechanical arts of conversation, by means of which mediocrity of intellect is too often concealed beneath well-sounding sentences, and very ordinary men metamorphosed at a cheap rate into loud and ambitious talkers, and mimic Johnsons.”

The gentleness of Mr. Lord's disposition admirably fitted him for the purest enjoyments of domestic life. In his home, he was the center of the deepest love and reverence. It was a home where refinement, intelligence, affection and religion blended to render it attractive and pleasing—for him a happy retreat from the cares, struggles and collisions of life.

From his earliest years, he was a firm believer in the doctrines of the Bible, and this belief was grounded upon an earnest conviction, resulting from a serious examination of the evidences and doctrines of Christianity, and the frequent perusal of the Scriptures. There was an innate reverence of God and all his works in his heart; he recognized something god-like in man's nature, and he believed the intellect to be an emanation from Deity, the indubitable evidence of an immortal nature. He saw the marks of divine intelligence in the heavens and in the earth; but he saw it more liberally displayed in the gifted mind, in magnanimity, in unconquerable rectitude, in philanthropy, which forgives every wrong, fosters kind affection and tender love, and is animated by examples of heroic and saintly virtue. All these he regarded as the pledges of a celestial inheritance.

“In the year 1833, he united with the Brick Presbyterian Church, then under the charge of the Rev. Gardiner Spring, D. D., and in the following year he was elected a member of its session, in which connection he continued until his death, bringing to the discharge of his duties as an elder a spirit of great conciliation, as well as the best abilities at his command.”

As was well remarked, by the Rev. J. O. Murray, in an address delivered at the funeral of Mr. Lord, "Religion, indeed, owes a debt to the legal profession—the pulpit to the bar—which should be readily acknowledged; not only as the high-minded and eminent jurist keeps before the mind of men the great idea of law—a binding moral force, which the very word religion in its etymology suggests; but as such a man helps to preserve the true order and stability of society, in which Christian institutions have their best growth."

This sketch cannot be more appropriately closed than by adopting the following language of one who prepared a truthful memorial of Mr. Lord, soon after his death:

"His Christian character was one of mature growth, such as results from a union of warm feelings with broad and enlightened views. He took almost equal pleasure in devotional books and in those which expounded the theoretical doctrines of Christianity, and thus while his emotions were always quick and glowing, he was also ever prepared to defend his faith with solid arguments. The inevitable absorption of his time in his professional pursuits prevented him from taking a very active part in the current benevolent and religious enterprises of his day; but, whenever an emergency arose in which his practical wisdom, or his unflinching courage in opposing error could avail the cause of truth, he stood always ready—and was often called upon to do his part. And on all such occasions he brought to the work a spirit of meekness and moderation which calmed him even in the heats of controversy. He never forgot that while good men might, and often must, differ in their views, they should never give way to bitter wranglings, nor lose sight of the truth in the pride of self-assertion. And thus his counsels were not only wise but safe; and his loss was felt in many quarters



where the weight of his influence had been relied upon in every time of trouble and perplexity.

“For several years before his death, there had been indistinct threatenings of paralysis which justly alarmed the members of his family, and which led him reluctantly but gradually to withdraw from his much loved profession. He was not wholly insensible to their warnings, but he possessed a wonderful faculty of refusing to dwell upon evils that he could not avert, and he succeeded in maintaining his cheerfulness in spite of many dark forebodings. But his malady made steady though measured approaches, and he himself doubtless soon began to realize, what had been from the first apparent to all around him, that his disease was a fatal one, and that the final issue could not long be delayed.

“Under these circumstances, his spirit became, if possible, more subdued and gentle, and the graces of his Christian character gathered even greater luster than before. The summer of 1867, which preceded his death, was one of great anxiety to his family, and they entered upon the winter with sad anticipations of coming sorrow. All went well, however, until the new year had begun—a year that to others was to bring its completed months of checkered joys or sorrows, but only a few short days of suffering to him. A trifling professional effort, made early in January, which in his years of vigor would never have stirred his pulse or left a trace of weariness upon his frame, appeared to give a new impetus to his then slumbering disease, and from that time his system seemed to lose its balance, and his bodily functions began to fail. It was a most painful thing for those who so deeply loved him, to see this physical change come over him, while his mental powers, with all their acute perceptions, remained untouched. But his own courage did not desert him, for it was founded on never-failing supports. He was deeply affected at times by thoughts which he could not entirely drive away, but he fell

back upon the consolations of religion, and they upheld him. Those who gathered with him at family prayers, one Sunday evening but a few weeks before his death, will never forget with what a subdued pathos he read and remarked upon the beauty of those verses of the seventy-first Psalm :

“ ‘Cast me not off in the time of old age ; forsake me not when my strength faileth.

“ ‘Now also when I am old and gr<sup>o</sup>aded, O God, forsake me not.’

“ ‘They were plainly passages which had been often in his mind of late, and the force of which he felt most deeply as his years seemed drawing near their end.

“ ‘It would seem almost a desecration to dwell much upon the closing scenes of his life. The deep experiences and trying struggles which, even for the pure and good, hang around the hour of parting from loved ones on earth, are too sacred to be held up to the gaze of any but those who have perforce participated in the sorrow, and whose memories can best recall to them those mournful scenes. But, even were we to lift the curtain for a moment upon any part of that sad month which preceded his death, we should find him always, as it were, in a hallowed atmosphere, surrounded with all the truest affection that faithful hearts could bestow, and upheld by Christian consolations and Christian hopes. The dreaded hour came at last. Up to within a few days of the final moment his mind was clear, and he was able to communicate with those who hung around his bedside. But, as the last hour drew near, his faculties began to lose their power, and consciousness succumbed. Yet, when the change came upon him, a placid calm seemed to steal over his features, and peace and rest were plainly written there. He was in a great measure spared the dreadful agonies of mind and body which so often accompany his disease, and at the last, life seemed to



sink away from him as quietly as the sands drop through an hour-glass.

“On the morning of March 4th, 1868, it was apparent that that day would be his last. All remedies had lost their power, and nought remained but to await, in patient resignation, the long-apprehended moment. Once in the early forenoon he sank very low, but again revived to nearly his former strength, and continued through the hours of daylight with but little change, except that his respirations grew gradually quicker and fainter. At last the night came on, spreading its curtain across the sky, and casting its shadows on that upper room, where loving hearts were throbbing in silence at the thought of the long parting. A little group, where none were absent whom he would have wished to see could his eyes have opened, nor any present who could not call him ‘husband,’ — ‘father’ — sat, sad and sorrowful, within the sound of his short, quick breathings, as he lay motionless upon his couch. From time to time one of the number would approach the bed to gaze once more upon his serene but pallid face, or, in helpless affection, to render some service which it was hoped might give him some relief; but it was evident that all earthly help was unavailing, and that the King of Terrors was at hand. At about 9 o’clock a few convulsive gasps gave signal that the end was near. Quickly and silently the little circle closed around him; and then, when all was hushed and still, save the sobbing, which he could not hear, he gave one struggle more, and breathed his last, surrounded by all whom he held most dear upon earth, and whom he most would wish to meet in Heaven.

“Death found him well prepared. His peace had long been made with God; and when the summons came, it was to call him from a life of useful toil below to an eternal rest above.”