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Webster, James

MR. WEBSTER'S

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R E M A R K S

AT THE

Meeting of the Suffolk Bar,

ON MOVING THE RESOLUTIONS

OCCASIONED BY THE DEATH

OF

THE HON. MR. JUSTICE STORY.

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BOSTON, SEPTEMBER 15, 1845.

VENERABLE MADAM;

I pray you to allow me to present to you the brief remarks which I made before the Suffolk Bar, on the 12th instant, at a meeting occasioned by the sudden and afflicting death of your distinguished son. I trust, dear Madam, that as you enjoyed, through his whole life, constant proofs of his profound respect, and ardent filial affection, so you may yet live long to enjoy the remembrance of his virtues, and his exalted reputation.

I am, with very great regard,

Your Obedient Servant,

DANIEL WEBSTER.

TO MADAM STORY.

## R E M A R K S .

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At a meeting of the Suffolk Bar, held in the Circuit Court Room, on the morning of the 12th of September, the day of the funeral of Mr. JUSTICE STORY, CHIEF JUSTICE SHAW having taken the chair, and announced the object of the meeting, Mr. WEBSTER rose and spoke nearly as follows:

YOUR solemn announcement, Mr. Chief Justice, has confirmed the sad intelligence, which had already reached us, through the public channels of information, and deeply afflicted us all.

JOSEPH STORY, one of the associate Justices of the Supreme Court of the United States, and for many years the presiding Judge of this Circuit, died on Wednesday evening last, at his own house in Cambridge, wanting only a few days for the completion of the sixty-sixth year of his age.

This most mournful and lamentable event has called together the whole Bar of Suffolk, and all connected with the courts of Law, or the profession. It has brought you, Mr. Chief Justice, and your associates of the Bench of the Supreme Court of Massachusetts, into the midst of us; and you have done us the honor, out of respect to the occasion, to consent to preside over us, while we deliberate on what is due, as well to our own afflicted and smitten feelings, as to the exalted character, and eminent distinction of the deceased Judge. The occasion has drawn from his retirement, also, that venerable man, whom we all so much respect and honor, (Judge Davis,) and who was, for thirty years, the associate of the deceased, upon the same Bench. It has called hither another judicial personage, now in retirement, (Judge Putnam,) but long an ornament of that Bench, of which you are now the head, and whose marked good fortune it is, to have been the Professional Teacher of JOSEPH STORY, and the director of his early studies. He is here, also, to whom this blow comes near, — I mean the learned Judge, (Judge Sprague) immediately from whose side it has struck away, — a friend, and a highly venerated official associate. The

members of the School, to which the deceased was so much attached, and who returned that attachment with all the ingenuousness and enthusiasm of educated and ardent youthful minds, are here also, to manifest their sense of their own severe deprivation, as well as their admiration of the bright and shining professional example, which they have so loved to contemplate; — an example, let me say to them, and let me say to all, as a solace, in the midst of their sorrows, — which death hath not touched, and which time cannot obscure.

Mr. Chief Justice, one sentiment pervades us all. It is that of the most profound and penetrating grief, mixed, nevertheless, with an assured conviction, that the great man whom we deplore, is yet with us, and in the midst of us. He hath not wholly died. He lives in the affections of friends, and kindred, and in the high regard of the community. He lives in our remembrance of his social virtues, his warm and steady friendships, and the vivacity and richness of his conversation. He lives, and will live still more permanently, by his words of written wisdom, by the results of his vast researches and attainments,

by his imperishable legal judgments, and by those juridical disquisitions, which have stamped his name, all over the civilized world, with the character of a commanding authority. “*Vivit, enim, vivetque semper; atque etiam latius in memoria hominum et sermone versabitur, postquam ab oculis recessit.*”

Mr. Chief Justice, there are consolations which arise to mitigate our loss, and shed the influence of resignation over unfeigned and heartfelt sorrow. We are all penetrated with gratitude to God, that the deceased lived so long; that he did so much for himself, his friends, the country and the world; that his lamp went out, at last, without unsteadiness or flickering. He continued to exercise every power of his mind, without dimness or obscuration, and every affection of his heart, with no abatement of energy or warmth, till death drew an impenetrable veil between us and him. Indeed, he seems to us now, as in truth he is, not extinguished, or ceasing to be, but only withdrawn; as the clear sun goes down at its sitting, not darkened, but only no longer seen.

This calamity, Mr. Chief Justice, is not confined to the Bar, or the Courts, of this Commonwealth. It will

be felt by every Bar, throughout the land, by every Court, and indeed by every intelligent and well-informed man, in or out of the Profession. It will be felt still more widely, for his reputation had a still wider range. In the High Court of Parliament, in every tribunal in Westminster Hall, in the Judicatories of Paris and Berlin, Stockholm and St. Petersburg, in the learned Universities of Germany, Italy and Spain, by every eminent jurist in the civilized world, it will be acknowledged, that a great luminary has fallen from the firmament of public jurisprudence.

Sir, there is no purer pride of country, than that in which we may indulge, when we see America paying back the great debt of civilization, learning and science to Europe. In this high return of light for light, and mind for mind, in this august reckoning and accounting between the intellects of nations, JOSEPH STORY was destined by Providence to act, and did act, an important part. Acknowledging, as we all acknowledge, our obligations to the original sources of English law, as well as of civil liberty, we have seen, in our generation, copious and salutary streams turning and running backward, replenishing



their original fountains, and giving a fresher and a brighter green to the fields of English jurisprudence. By a sort of reversed hereditary transmission, the mother, without envy or humiliation, acknowledges that she has received a valuable and cherished inheritance from the daughter. English justice admits, with frankness and candor, and with no feeling but that of respect and admiration, that he, whose voice we have so recently heard within these walls, but shall now hear no more, was of all men who have yet appeared, most fitted by the comprehensiveness of his mind, and the vast extent and accuracy of his attainments, to compare the codes of nations, to trace their differences to difference of origin, climate, or religious or political institutions, and to exhibit, nevertheless, their concurrence in those great principles, upon which the system of human civilization rests.

Justice, sir, is the great interest of man on earth. It is the ligament, which holds civilized beings, and civilized nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security, general happiness, and the improvement and progress of our race. And whoever labors on this edifice, with usefulness and

distinction, whoever clears its foundations, strengthens its pillars, adorns its entablatures, or contributes to raise its august dome still higher in the skies, connects himself, in name, and fame, and character, with that which is and must be as durable as the frame of human society.

All know, Mr. Chief Justice, the pure love of country, which animated the deceased, and the zeal, as well as the talent, with which he explained and defended her Institutions. His work on the Constitution of the United States, is one of his most eminently successful labors. But all his writings, and all his judgments, all his opinions, and the whole influence of his character, public and private, leaned strongly and always, to the support of sound principles, to the restraint of illegal power, and to the discouragement and rebuke of licentious and disorganizing sentiments. "*Ad rempublicam firmandam, et ad stabiliendas vires, et sanandum populum, omnis ejus pergebat institutio.*"

But this is not the occasion, sir, nor is it for me to consider and discuss at length, the character and

merits of Mr. Justice Story, as a writer or a Judge. The performance of that duty, with which this Bar will, no doubt, charge itself, must be deferred to another opportunity, and will be committed to abler hands. But, in the homage paid to his memory, one part may come with peculiar propriety and emphasis from ourselves. We have known him in private life. We have seen him descend from the Bench, and mingle in our friendly circles. We have known his manner of life, from his youth up. We can bear witness to the strict uprightness and purity of his character; his simplicity, and unostentatious habits; the ease and affability of his intercourse; his remarkable vivacity, amidst severe labors, the cheerful and animating tones of his conversation, and his fast fidelity to friends. Some of us, also, can testify to his large and liberal charities, not ostentatious or casual, but systematic, and silent, — dispensed almost without showing the hand, and falling and distilling comfort and happiness, like the dews of heaven. — But we can testify, also, that in all his pursuits and employments, in all his recreations, in all his commerce with the world, and in his intercourse with the circle of his friends, the predominance of his

judicial character was manifest. He never forgot the ermine which he wore. The Judge, the Judge, the useful and distinguished Judge, was the great picture which he kept constantly before his eyes, and to a resemblance to which all his efforts, all his thoughts, all his life, were devoted. We may go the world over, without finding a man who shall present a more striking realization of the beautiful conception of D'Aguesseau, "*C'est vain que l'on cherche à distinguer en lui la personne privée et la personne publique ; un même esprit les anime, un même objet les réunit ; l'homme, le père de famille, le citoyen, tout est en lui consacré à la gloire du Magistrat.*"

Mr. Chief Justice, one may live as a conqueror, a king, or a magistrate; but he must die as a man. The bed of death brings every human being to his pure individuality; to the intense contemplation of that deepest and most solemn of all relations, the relation between the creature and his Creator. Here it is, that fame and renown cannot assist us; that all external things must fail to aid us; that even friends, affection, and human love and devotedness, cannot succor us. This relation, the true foundation

of all duty, a relation perceived and felt by conscience, and confirmed by revelation, our illustrious friend, now deceased, always acknowledged. He revered the scriptures of truth, honored the pure morality which they teach, and seized hold on the hopes of future life, which they impart. He saw enough in nature, in himself, and in all that can be known of things seen, to feel assured that there is a Supreme Power, without whose Providence not a sparrow falleth to the ground. To this gracious Being he trusted himself, for time and for eternity; and the last words of his lips, ever heard by mortal ears, were a fervent supplication to his Maker to take him to Himself.