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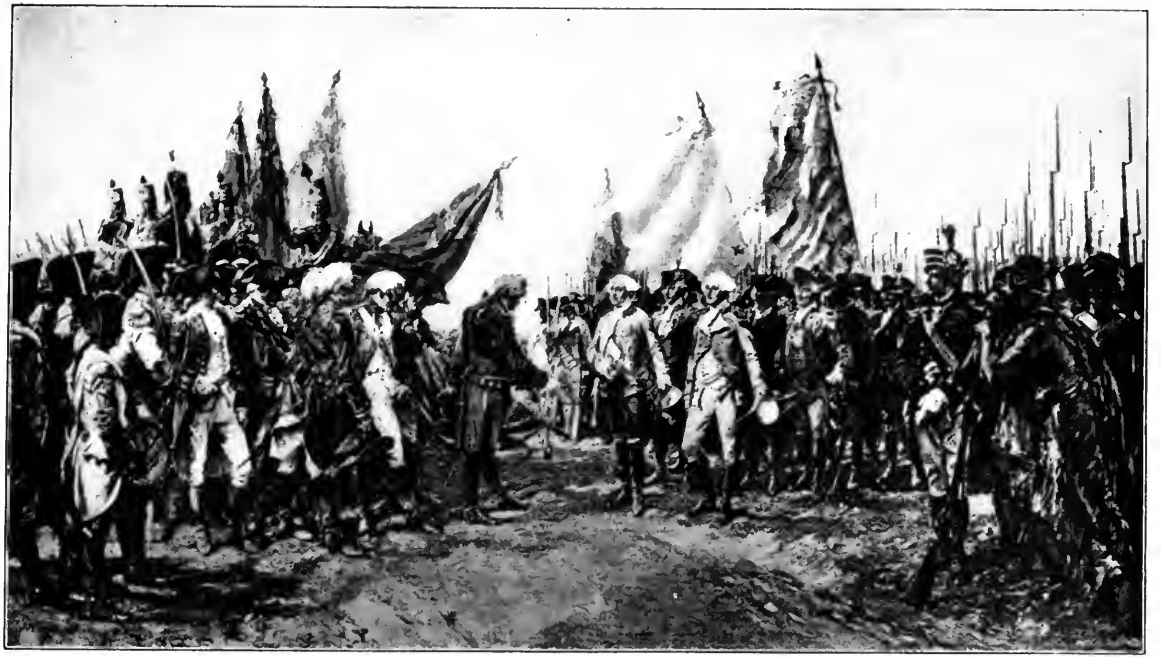
BEACON LIGHTS OF HISTORY.



After the painting by Ch. Ed. Armand Dumaresq.

Surrender of General Cornwallis at Yorktown

BEACON LIGHTS OF HISTORY.

By JOHN LORD, LL.D.,

AUTHOR OF "THE OLD ROMAN WORLD," "MODERN EUROPE," ETC., ETC.

VOLUME XI.

AMERICAN FOUNDERS.

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By John Lord.

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PUBLISHERS' PREFACE.

DR. LORD'S volume on "American Statesmen" was written some years after the issue of his volume on "Warriors and Statesmen," which was Volume IV of his original series of five volumes. The wide popular acceptance of the five volumes encouraged him to extend the series by including, and rewriting for the purpose, others of his great range of lectures. The volume called "Warriors and Statesmen" (now otherwise distributed) included a number of lectures which in this new edition have been arranged in more natural grouping. Among them were the lectures on Hamilton and Webster. It has been deemed wise to bring these into closer relation with their contemporaries, and thus Hamilton is now placed in this volume, among the other "American Founders," and Webster in the volume on "American Leaders."

Of the "Founders" there is one of whom Dr. Lord did not treat, yet whose services — especially in the popular confirmation of the Constitution by the various States, and notably in its fundamental interpretation by the United States Supreme Court — rank as vitally important. John Marshall, as Chief Justice of that Court, raised it to a lofty height in the judicial world, and by his various decisions established the Constitution in its unique posi-

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tion as applicable to all manner of political and commercial questions — the world's marvel of combined firmness and elasticity. To quote Winthrop, as cited by Dr. Lord, it is "like one of those rocking-stones reared by the Druids, which the finger of a child may vibrate to its centre, yet which the might of an army cannot move from its place."

So important was Marshall's work, and so potent is the influence of the United States Supreme Court, that no apology is needed for introducing into this volume on our "Founders" a chapter dealing with that great theme by Professor John Bassett Moore, recently Assistant Secretary of State; later, Counsel for the Peace Commission at Paris; and now occupying the chair of International Law and Diplomacy in the School of Political Science, Columbia University, New York City.

NEW YORK, September, 1902.

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AMERICAN FOUNDERS.

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PRELIMINARY CHAPTER.

THE AMERICAN IDEA.

1600–1775.

BEACON LIGHTS OF HISTORY.

PRELIMINARY CHAPTER.

THE AMERICAN IDEA.

IN a survey of American Institutions there seem to be three fundamental principles on which they are based: first, that all men are naturally equal in rights; second, that a people cannot be taxed without their own consent; and third, that they may delegate their power of self-government to representatives chosen by themselves.

The remote origin of these principles it is difficult to trace. Some suppose that they are innate, appealing to consciousness, — concerning which there can be no dispute or argument. Others suppose that they exist only so far as men can assert and use them, whether granted by rulers or seized by society. Some find that they arose among our Teutonic ancestors in their German forests, while still others go back to

Jewish, Grecian, and Roman history for their origin. Wherever they originated, their practical enforcement has been a slow and unequal growth among various peoples, and it is always the evident result of an evolution, or development of civilization.

In the preamble to the Declaration of Independence, Thomas Jefferson asserts that "all men are created equal," and that among their indisputable rights are "life, liberty, and the pursuit of happiness." Nobody disputes this; and yet, looking critically into the matter, it seems strange that, despite Jefferson's own strong anti-slavery sentiments, his associates should have excluded the colored race from the common benefits of humanity, unless the negroes in their plantations were not men at all, only things or chattels. The American people went through a great war and spent thousands of millions of dollars to maintain the indissoluble union of their States; but the events of that war and the civil reconstruction forced the demonstration that African slaves have the same inalienable rights for recognition before the law as the free descendants of the English and the Dutch. The statement of the Declaration has been formally made good; and yet, whence came it?

If we go back to the New Testament, the great Charter of Christendom, in search of rights, we are much puzzled to find them definitely declared any-

where; but we find, instead, duties enjoined with great clearness and made universally binding. It is only by a series of deductions, especially from Saint Paul's epistles, that we infer the right of Christian liberty, with no other check than conscience, — the being made free by the gospel of Christ, emancipated from superstition and tyrannies of opinion; yet Paul says not a word about the manumission of slaves, as a right to which they are justly entitled, any more than he urges rebellion against a constituted civil government because it is a despotism. The burden of his political injunctions is submission to authority, exhortations to patience under the load of evils and tribulations which so many have to bear without hope of relief.

In the earlier Jewish jurisprudence we find laws in relation to property which recognize natural justice as clearly as does the jurisprudence of Rome; but revolt and rebellion against bad rulers or kings, although apt to take place, were nowhere enjoined, unless royal command should militate against the sovereignty of God, — the only ultimate authority. By the Hebrew writers, bad rulers are viewed as a misfortune to the people ruled, which they must learn to bear, hoping for better times, trusting in Providence for relief, rather than trying to remove by violence. It is He who raises up deliverers in His good time, to reign in

justice and equity. If anything can be learned from the Hebrew Scriptures in reference to rights, it is the injunction to obey God rather than man, in matters where conscience is concerned; and this again merges into duty, but is susceptible of vast applications to conduct as controlled by individual opinion.

Under Roman rule native rights fare no better. Paul could appeal from Jewish tyrants to Cæsar in accordance with his rights as a Roman citizen; but his Roman citizenship had nothing to do with any inborn rights as a man. Paul could appeal to Cæsar as a Roman citizen. For what? For protection, for the enjoyment of certain legal privileges which the Empire had conferred upon Roman citizenship, not for any rights which he could claim as a human being. If the Roman laws recognized any rights, it was those which the State had given, not those which are innate and inalienable, and which the State could not justly take away. I apprehend that even in the Greek and Roman republics no civil rights could be claimed except those conferred upon men as citizens rather than as human beings. Slaves certainly had no rights, and they composed half the population of the old Roman world. Rights were derived from decrees or laws, not from human consciousness.

Where then did Jefferson get his ideas as to the equal rights to which men were born? Doubtless

from the French philosophers of the eighteenth century, especially from Rousseau, who, despite his shortcomings as a man, was one of the most original thinkers that his century produced, and one of the most influential in shaping the opinions of civilized Europe. In his "Contrat Social" Rousseau appealed to consciousness, rather than to authorities or the laws of nations. He took his stand on the principles of eternal justice in all he wrote as to civil liberties, and hence he kindled an immense enthusiasm for liberty as an inalienable right.

But Rousseau came from Switzerland, where the passion for personal independence was greater than in any other part of Europe, — a passion perhaps inherited from the old Teutonic nations in their forests, on which Tacitus dilates, next to their veneration for woman the most interesting trait among the Germanic barbarians. No Eastern nation, except the ancient Persians, had these traits. The law of liberty is an Occidental rather than an Oriental peculiarity, and arose among the Aryans in their European settlements. Moreover, Rousseau lived in a city where John Calvin had taught the principles of religious liberty which afterwards took root in Holland, England, Scotland, and France, and created the Puritans and Huguenots. The central idea of Calvinism is the right to worship God according to the dictates of con-

science, enlightened by the Bible. Rousseau was no Calvinist, but the principles of religious and civil liberty are so closely connected that he may have caught their spirit at Geneva, in spite of his hideous immorality and his cynical unbelief. Yet even Calvin's magnificent career in defence of the right of conscience to rebel against authority, which laid the solid foundation of theology and church discipline on which Protestantism was built up, arrived at such a pitch of arbitrary autocracy as to show that, if liberty be "human" and "native," authority is no less so.

Whether, then, liberty is a privilege granted to a few, or a right to which all people are justly entitled, it is bootless to discuss; but its development among civilized nations is a worthy object of historical inquiry.

A late writer, Douglas Campbell, with some plausibility and considerable learning, traces to the Dutch republic most that is valuable in American institutions, such as town-meetings, representative government, restriction of taxation by the people, free schools, toleration of religious worship, and equal laws. No doubt the influence of Holland in the sixteenth and seventeenth centuries in stimulating free inquiry, religious toleration, and self-government, as well as learning, commerce, manufactures, and the arts, was considerable, not only on the Puritan settlers of New

England, but perhaps on England itself. No doubt the English Puritans who fled to Holland during the persecutions of Archbishop Laud learned much from a people whose religious oracle was Calvin, and whose great hero was William the Silent. Mr. Motley, in the most brilliant and perhaps the most learned history ever written by an American, has made a revelation of a nation heretofore supposed to be dull, money-loving, and uninteresting. Too high praise cannot be given to those brave and industrious people who redeemed their morasses from the sea, who grew rich and powerful without the natural advantages of soil and climate, who fought for eighty years against the whole power of Spain, who nobly secured their independence against overwhelming forces, who increased steadily in population and wealth when obliged to open their dikes upon their cultivated fields, who established universities and institutions of learning when almost driven to despair, and who became the richest people in Europe, whitening the ocean with their ships, establishing banks and colonies, creating a new style of painting, and teaching immortal lessons in government when they occupied a country but little larger than Wales. Civilization is as proud of such a country as Holland as of Greece itself.

With all this, I still believe that it is to England

we must go for the origin of what we are most proud of in our institutions, much as the Dutch have taught us for which we ought to be grateful, and much as we may owe to French sceptics and Swiss religionists. This belief is confirmed by a book I have just read by Hannis Taylor on the "Origin and Growth of the English Constitution." It is not an artistic history, by any means, but one in which the author has brought out the recent investigations of Edward Freeman, John Richard Green, Bishop Stubbs, Professor Gneist of Berlin, and others, who with consummate learning have gone to the roots of things, — some of whom, indeed, are dry writers, regardless of style, disdainful of any thing but facts, which they have treated with true scholastic minuteness. It appears from these historians, as quoted by Taylor, and from other authorities to which the earlier writers on English history had no access, that the germs of our free institutions existed among the Anglo-Saxons, and were developed to a considerable extent among their Norman conquerors in the thirteenth and fourteenth centuries, when barons extorted charters from kings in their necessities, and when the common people of Saxon origin secured valuable rights and liberties, which they afterwards lost under the Tudor and Stuart princes. I need not go into a detail of these. It is certain that in the reign of Edward I.

(1274–1307), himself a most accomplished and liberal civil ruler, the English House of Commons had become very powerful, and had secured in Parliament the right of originating money bills, and the control of every form of taxation, — on the principle that the people could not be taxed without their own consent. To this principle kings gave their assent, reluctantly indeed, and made use of all their statecraft to avoid compliance with it, in spite of their charters and their royal oaths. But it was a political idea which held possession of the minds of the people from the reign of Edward I. to that of Henry IV. During this period all citizens had the right of suffrage in their boroughs and towns, in the election of certain magistrates. They were indeed mostly controlled by the lord of the manor and by the parish priest, but liberty was not utterly extinguished in England, even by Norman kings and nobles; it existed to a greater degree than in any continental State out of Italy. It cannot be doubted that there was a constitutional government in England as early as in the time of Edward I., and that the power of kings was even then checked by parliamentary laws.

In Freeman's "Norman Conquest," it appears that the old English town, or borough, is purely of Teutonic origin. In this, local self-government is distinctly recognized, although it subsequently was controlled

by the parish priest and the lord of the manor under the influence of the papacy and feudalism; in other words, the ancient jurisdiction of the tun-mōt — or town-meeting — survived in the parish vestry and the manorial court. The guild system, according to Kendall, had its origin in England at a very early date, and a great influence was exercised on popular liberty by the meetings of the various guilds, composed, as they were, of small freemen. The guild law became the law of the town, with the right to elect its magistrates. "The old reeve or bailiff was supplanted by mayor and aldermen, and the practice of sending the reeve and four men as the representatives of the township to the shire-moot widened into the practice of sending four discreet men as representatives of the county to confer with the king in his great council touching the affairs of the kingdom." "In 1376," says Taylor, "the Commons, intent upon correcting the evil practices of the sheriff, petitioned that the knights of the shire might be chosen by common election of the better folk of the shires, and not nominated by the sheriff; and Edward III. assented to the request."

I will not dwell further on the origin and maintenance of free institutions in England while Continental States were oppressed by all the miseries of royalty and feudalism. But beyond all the charters and

laws which modern criticism had raked out from buried or forgotten records, there is something in the character of the English yeoman which even better explains what is most noticeable in the settlement of the American Colonies, especially in New England. The restless passion for personal independence, the patience, the energy, the enterprise, even the narrowness and bigotry which marked the English middle classes in all the crises of their history, stand out in bold relief in the character of the New England settlers. All their traits are not interesting, but they are English, and represent the peculiarities of the Anglo-Saxons, rather than of the Normans. In England, they produced a Latimer rather than a Cranmer, — a Cromwell rather than a Stanley. The Saxon yeomanry at the time of Chaucer were not aristocratic, but democratic. They had an intense hatred of Norman arrogance and aggression. Their home life was dull, but virtuous. They cared but little for the sports of the chase, compared with the love which the Norman aristocracy always had for such pleasures. It was among them that two hundred years later the reformed doctrines of Calvin took the deepest hold, since these were indissolubly blended with civil liberty. There was something in the blood of the English Puritans which fitted them to be the settlers of a new country, independent of cravings for

religious liberty. In their new homes in the cheerless climate of New England we see traits which did not characterize the Dutch settlers of New York; we find no patroons, no ambition to be great landed proprietors, no desire to live like country squires, as in Virginia. They were more restless and enterprising than their Dutch neighbors, and with greater public spirit in dangers. They loved the discussion of abstract questions which it was difficult to settle. They produced a greater number of orators and speculative divines in proportion to their wealth and number than the Dutch, who were phlegmatic and fond of ease and comfort, and did not like to be disturbed by the discussion of novelties. They had more of the spirit of progress than the colonists of New York. There was a quiet growth among them of those ideas which favored political independence, while also there was more intolerance, both social and religious. They hanged witches and persecuted the Quakers. They kept Sunday with more rigor than the Dutch, and were less fond of social festivities. They were not so genial and frank in their social gatherings, although fonder of excitement.

Among all the new settlers, however, both English and Dutch, we see one element in common, — devotion to the cause of liberty and hatred of oppression and wrong, learned from the weavers of Ghent as well as from the burghers of Exeter and Bristol.

In another respect the Dutch and English resembled each other: they were equally fond of the sea, and of commercial adventures, and hence were noted fishermen as well as thrifty merchants. And they equally respected learning, and gave to all their children the rudiments of education. At the time the great Puritan movement began, the English were chiefly agriculturists and the Dutch were merchants and manufacturers. Wool was exported from England to purchase the cloth into which it was woven. There were sixty thousand weavers in Ghent alone, and the towns and cities of Flanders and Holland were richer and more beautiful than those of England.

It will be remembered that New York (Nieuw Amsterdam) was settled by the Dutch in 1613, and Jamestown, Virginia, by the Elizabethan colonies in 1607. So that both of these colonies antedated the coming of the Pilgrims to Massachusetts in 1620. It is true that most of the histories of the United States have been written by men of New England origin, and that therefore by natural predilection they have made more of the New England influence than of the other elements among the Colonies. Yet this is not altogether the result of prejudice; for, despite the splendid roll of soldiers and statesmen from the Middle and Southern sections of the country who bore so large a share in the critical events of the transition

era of the Revolution, it remains that the brunt of resistance to tyranny fell first and heaviest on New England, and that the principal influences that prepared the general sentiment of revolt, union, war, and independence proceeded from those colonies.

The Puritan exodus from England, chiefly from the eastern counties, first to Holland, and then to New England, was at its height during the persecutions of Archbishop Laud in the reign of Charles I. The Pilgrims — as the small company of Separatists were called who followed their Puritanism to the extent of breaking entirely away from the Church, and who left Holland for America — came to barren shores, after having learned many things from the Dutch. Their pilgrimage was taken, not with the view of improving their fortunes, like the more aristocratic settlers of Virginia, but to develop their peculiar ideas. It must be borne in mind that the civilization they brought with them was a growth from Teutonic ancestry, — an evolution from Saxon times, although it is difficult to trace the successive developments during the Norman rule. The Pilgrims brought with them to America an intense love of liberty, and consequently an equally intense hatred of arbitrary taxation. Their enjoyment of religious rights was surpassed only by their aversion to Episcopacy. They were a plain and simple people, who abhorred the

From the painting by G. H. Boughton

PURITANS GOING TO CHURCH

vices of the patrician class at home; but they loved learning, and sought to extend knowledge, as the bulwark of free institutions. The Puritans who followed them within ten years and settled Massachusetts Bay and Salem, were direct from England. They were not Separatists, like the Pilgrims, but Presbyterians; they hated Episcopacy, but would have had Church and State united under Presbyterianism. They were intolerant, as against Roger Williams and the "witches," and at first perpetrated cruelties like those from which they themselves had fled. But something in the free air of the big continent developed the spirit of liberty among them until they, too, like the Pilgrims, became Independents and Separatists, — and so, Congregationalists rather than Presbyterians.

The first thing we note among these New Englanders was their town-meetings, derived from the ancient folkmote, in which they elected their magistrates, and imposed upon themselves the necessary taxes for schools, highways, and officers of the law. They formed self-governed communities, who selected for rulers their ablest and fittest men, marked for their integrity and intelligence, — grave, austere, unselfish, and incorruptible. Money was of little account in comparison with character. The earliest settlers were the picked and chosen men of the yeomanry of England, and generally thrifty and prosperous. Their leaders had

had high social positions in their English homes, and their ministers were chiefly graduates of the universities, some of whom were fine scholars in both Hebrew and Greek, had been settled in important parishes, and would have attained high ecclesiastical rank had they not been nonconformists, — opposed to the ritual, rather than the theological tenets of the English Church as established by Elizabeth. Of course they were Calvinists, more rigid even than their brethren in Geneva. The Bible was to them the ultimate standard of authority — civil and religious. The only restriction on suffrage was its being conditioned on church-membership. They aspired, probably from Calvinistic influence, but aspired in vain, to establish a theocracy, borrowed somewhat from that of the Jews. I do not agree with Mr. John Fiske, in his able and interesting history of the "Beginnings of New England," that "the Puritan appealed to reason;" I think that the Bible was their ultimate authority in all matters pertaining to religion. As to civil government, the reason may have had a great place in their institutions; but these grew up from their surroundings rather than from study or the experience of the past. There was more originality in them than it is customary to suppose. They were the development of Old England life in New England, but grew in many respects away from the parent stock.

The next thing of mark among the Colonists was their love of learning; all children were taught to read and write. They had been settled at Plymouth, Salem, and Boston less than twenty years when they established Harvard College, chiefly for the education of ministers, who took the highest social rank in the Colonies, and were the most influential people. Lawyers and physicians were not so well educated. As for lawyers, there was but little need of them, since disputes were mostly settled either by the ministers or the selectmen of the towns, who were the most able and respectable men of the community. What the theocratic Puritans desired the most was educated ministers and schoolmasters. In 1641 a school was established in Hartford, Connecticut, which was free to the poor. By 1642 every township in Massachusetts had a schoolmaster, and in 1665 every one embracing fifty families a common school. If the town had over one hundred families it had a grammar school, in which Latin was taught. It is probable, however, that the idea of popular education originated with the Dutch. Elizabeth and her ministers did not believe in the education of the masses, of which we read but little until the 19th century. As early as 1582 the Estates of Friesland decreed that the inhabitants of towns and villages should provide good and able Reformed schoolmasters, so that when the

English nonconformists dwelt in Leyden in 1609 the school, according to Motley, had become the common property of the people.

The next thing we note among the Colonists of New England is the confederation of towns and their representation in the Legislature, or the General Court. This was formed to settle questions of common interest, to facilitate commerce, to establish a judicial system, to devise means for protection against hostile Indians, to raise taxes to support the common government. The Legislature, composed of delegates chosen by the towns, exercised most of the rights of sovereignty, especially in the direction of military affairs and the collection of revenue.

The governors were chosen by the people in secret ballot, until the liberal charter granted by Charles I. was revoked, and a royal governor was placed over the four confederated Colonies of Massachusetts, Plymouth, Connecticut, and New Haven. This confederation was not a federal union, but simply a league for mutual defence against the Indians. Each Colony managed its own internal affairs, without interference from England, until 1684.

Down to this time the Colonies had been too insignificant to attract much notice in England, and hence were left to develop their institutions in their own way, according to the circumstances which con-

trolled them, and the dangers with which they were surrounded. One thing is clear: the infant Colonies governed themselves, and elected their own magistrates, from the governor to the selectmen; and this was true as well of the Middle and Southern as of the Eastern Colonies. Even in Virginia quite as large a proportion of the people took part in elections as in Massachusetts. It is difficult to find any similar instance of uncontrolled self-government, either in Holland or England at any period of their history. Either the king, or the Parliament, or the lord of the manor, or the parish priest controlled appointments or interfered with them, and even when the people directly selected their magistrates, suffrage was not universal, as it gradually came to be in the Colonies, with slight restrictions, — one of the features of the development of American institutions.

Another thing we notice among the Colonies, which had no inconsiderable influence on their growth, was the use of fire-arms among all the people, to defend themselves from hostile Indians. Every man had his musket and powder-flask; and there were several periods when it was not safe even to go to church unarmed. Thus were the new settlers inured to danger and self-defence, and bloody contests with their savage foes. They grew up practically soldiers, and formed a firm material for an effective militia.

able to face regular troops and even engage in effective operations, as seen afterwards in the conquest of Louisburg by Sir William Pepperell, a Kittery merchant. But for the universal use of fire-arms, either for war or game, it is doubtful if the Colonies could have won their independence. And it is interesting to notice that, while the free carrying of weapons, in these later days at least, is apt to result in rough lawlessness, as in our frontier regions, among the serious and law-abiding Colonists of those early times it was not so. This was probably due both to their strict religious obligations and to the presence of their wives and children.

The unrestricted selection of parish ministers by the people was no slight cause of New England growth, and was also a peculiar custom or institution not seen in the mother country, where appointment to parishes was chiefly in the hands of the aristocracy or the crown. Either the king, or the lord chancellor, or the universities, or the nobility, or the county squires had the gift of the "livings," often bestowed on ignorant or worldly or inefficient men, the younger sons of men of rank, who made no mark, and were incapable of instruction or indifferent to their duties. In New England the minister of the parish was elected by the church members or congregation, and if he could not edify his hearers by his sermons, or if his char-

acter did not command respect, his occupation was gone, or his salary was not paid. In consequence the ministers were generally gifted men, well educated, and in sympathy with the people. Who can estimate the influence of such religious teachers on everything that pertained to New England life and growth, — on morals, on education, on religious and civil institutions!

Although we have traced the early characteristics of the New England Colonists, especially because it was in New England first and chiefly that the spirit of resistance to English oppression grew to a sentiment for independence, it is not to be overlooked that the essential elements of self-controlling manhood were common throughout all the Colonies. And everywhere it seems to have grown out of the germ of a devotion to religious freedom, developed on a secluded continent, where men were shut in by the sea on the one hand, and perils from the fierce aborigines on the other. The Puritans of New England, the Hollanders of New York, Penn's Quaker colony in Pennsylvania, the Huguenots of South Carolina, the Scotch-Irish Presbyterians of North Carolina, Virginia, Maryland, New Jersey, and Pennsylvania, were all of Calvinistic training and came from European persecutions. All were rigidly Puritanical in their social and Sabbatarian observances. Even the Episcopalians of Virginia,

where a larger Norman-English stock was settled, with infusions of French-Huguenot blood, and where slavery bred more men of wealth and broader social distinctions, were sternly religious in their laws, although far more lax and pleasure-loving in their customs. Everywhere, this new life of Englishmen in a new land developed their self-reliance, their power of work, their skill in arms, their habit of common association for common purposes, and their keen, intelligent knowledge of political conditions, with a tenacious grip on their rights as Englishmen.

In the enjoyment, then, of unknown civil and religious liberties, of equal laws, and a mild government, the Colonies rapidly grew, in spite of Indian wars. In New England they had also to combat a hard soil and a cold climate. Their equals in rugged strength, in domestic virtues, in religious veneration were not to be seen on the face of the whole earth. They may have been intolerant, narrow-minded, brusque and rough in manners, and with little love or appreciation of art; they may have been opinionated and self-sufficient: but they were loyal to duties and to their "Invisible King." Above all things, they were tenacious of their rights, and scrupled no sacrifices to secure them, and to perpetuate them among their children.

It is not my object to describe the history of the

Puritans, after they had made a firm settlement in the primeval forests, down to the Revolutionary War, but only to glance at the institutions they created or adopted, which have extended more or less over all parts of North America, and laid the foundation for a magnificent empire.

At the close of the Seven Years' War, in 1763, which ended in the conquest of Canada from the French by the combined forces of England and her American subjects, the population of the Colonies — in New England and the Middle and Southern sections — was not far from two millions. Success in war and some development in wealth naturally engendered self-confidence. I apprehend that the secret and unavowed consciousness of power, creating the desire to be a nation rather than a mere colony dependent on Great Britain, — or, if colonies, yet free and untrammelled by the home government, — had as much to do with the struggle for independence as the discussion of rights, at least among the leaders of the people, both clerical and lay. The feeling that they were not represented in Parliament was not of much account, for more than three quarters of the English at home had no representation at all. To be represented in Parliament was utterly impracticable, and everybody knew it. But when arbitrary measures were adopted by the English government, in defiance

of charters, the popular orators made a good point in magnifying the injustice of "taxation without representation."

The Colonies had been marvellously prospered, and if not rich they were powerful, and were spreading toward the indefinite and unexplored West. The Seven Years' War had developed their military capacity. It was New England troops which had taken Louisburg. The charm of British invincibility had been broken by Braddock's defeat. The Americans had learned self-reliance in their wars with the Indians, and had nearly exterminated them along the coast without British aid. The Colonists three thousand miles away from England had begun to feel their importance, and to realize the difficulty of their conquest by any forces that England could command. The self-exaggeration common to all new countries was universal. Few as the people were, compared with the population of the mother country, their imagination was boundless. They felt, if they did not clearly foresee, their inevitable future. The North American continent was theirs by actual settlement and long habits of self-government, and they were determined to keep it. Why should they be dependent on a country that crippled their commerce, that stifled their manufactures, that regulated their fisheries, that appointed their governors, and regarded them

with selfish ends, — as a people to be taxed in order that English merchants and manufacturers should be enriched? They did not feel weak or dependent; what new settlers in the Western wilds ever felt that they could not take care of their farms and their flocks and everything which they owned?

Doubtless such sentiments animated far-reaching men, to whom liberty was so sweet, and power so enchanting. They could not openly avow them without danger of arrest, until resistance was organized. They contented themselves with making the most of oppressive English legislation, to stimulate the people to discontent and rebellion. Ambition was hidden under the burden of taxation which was to make them slaves. Although among the leaders there was great veneration for English tradition and law, the love they professed for England was rather an ideal sentiment than an actual feeling, except among aristocrats and men of rank.

Nor was it natural that the Colonists, especially the Puritans, should cherish much real affection for a country that had persecuted them and driven them away. They felt that not so much Old England as New England was their home, in which new sentiments had been born, and new aspirations had been cultivated. It was very seldom that a colonist visited England at all, and except among the recent

comers their English relatives were for the most part unknown. Loyalty to the king was gradually supplanted by devotion to the institutions which they had adopted, or themselves created. In a certain sense they admitted that they were still subject to Great Britain, but one hundred and fifty years of self-government had nearly destroyed this feeling of allegiance, especially when they were aroused to deny the right of the English government to tax them without their own consent.

With the denial of the right of taxation by England naturally came resistance.

The first line of opposition arose under a new attempt of England to enforce the Sugar Act, which was passed to prevent the American importation of sugar and molasses from the West Indies, in exchange for lumber and agricultural products. It had been suffered to fall into abeyance; but suddenly in 1761 the government issued Writs of Assistance or search-warrants, authorizing customs officers to enter private stores and dwellings to find imported goods, not necessarily known but when even suspected to be there. This was first brought to bear in Massachusetts, where the Colonists spiritedly refused to submit, and took the matter into the courts. James Otis, a young Boston lawyer, was advocate for the Admiralty, but, resigning his commission, he appeared on behalf of the people,

and his fiery eloquence aroused the Colonists to a high pitch of revolutionary resolve. John Adams, who heard the speech, declared, "Then and there American independence was born." Independence, however, was not yet in most men's minds, but the spirit of resistance to arbitrary acts of the sovereign was unmistakably aroused. In 1763 a no less memorable contest arose in Virginia, when the king refused to sanction a law of the colonial legislature imposing a tax which the clergy were unwilling to submit to. This too was tested in the courts, and a young lawyer named Patrick Henry defended so eloquently the right of Virginia to make her own laws in spite of the king, that his passionate oratory inflamed all that colony with the same "treasonable" spirit.

But the centre of resistance was in Boston, where in 1765 the people were incited to enthusiasm by the eloquence of James Otis and Samuel Adams, in reference to still another restrictive tax, the Stamp Act, which could not be enforced, except by overwhelming military forces, and was wisely repealed by Parliament. This was followed by the imposition of duties on wine, oil, fruits, glass, paper, lead, colors and especially tea, an indirect taxation, but equally obnoxious; increasing popular excitement, the sending of troops, collision between the soldiers and the people in 1770, and in 1773 the rebellious act of the famous "Tea Party,"

when citizens in the guise of Indians emptied the chests of tea on board merchantmen into Boston harbor. Soon after, the Boston Port Bill was passed, which shut up American commerce and created immense irritation. Then were sent to the rebellious city regiments of British troops to enforce the acts of Parliament; and finally the troops were, at the people's expense, quartered in the town, which was treated as a conquered city.

In view of these disturbances and hostile acts, the first Continental Congress of the different colonies met in Philadelphia, September, 1774, and issued a petition to the king, an address to the people of Great Britain, and an address to the Colonies, thus making a last effort for conciliation. The British Government, obstinately refusing to listen to its own wisest counsellors, replied with restraining acts, forbidding participation in the fisheries and other remunerative sea-work. Moreover, it declared Massachusetts to be in a state of rebellion; in consequence of which the whole province prepared for war. At the same time the colonial legislatures promptly approved and agreed to sustain the acts of the Continental Congress. Nor did they neglect to appoint committees of safety for calling out minute men and committees of supplies for arming and provisioning them. General Gage, the British military commander in Massachusetts, attempted to de-

stroy the collection of ammunition and stores at Concord, and in consequence, on April 19, 1775, the battle of Lexington was fought, followed in June by that of Bunker Hill.

Thus began the American Revolution, which ended in the independence of the thirteen Colonies and their federal union as States under a common constitution.

As the empire of the Union expanded, as power grew, as opportunities increased, so did obstructions arise and complications multiply. But what I have called "the American idea" — which I conceive to be *Liberty under Law* — has proved equal to all emergencies. The marvellous success with which American institutions have provided for the development of the Anglo-Saxon idea of individual independence, without endangering the common weal and rule, has been largely due to the arising of great and wise administrators of the public will.

It is to a consideration of some of the chief of these notable men who have guided the fortunes of the American people from the Revolutionary period to the close of the Civil War, that I invite the attention of the reader in the next two volumes. Those who have not materially modified the condition of public affairs I omit to discuss at large, eminent as have been their talents and services. Consequently I pass by the administrations of all the presidents since Jefferson,

except those of Jackson and Lincoln, the former having made a new departure in national policy, and the latter having brought to a conclusion a great war. I consider that Franklin, Hamilton, Clay, Webster, and Calhoun did more than any of the presidents, except those I have mentioned, to affect the destinies of the country, and therefore I could not omit them.

There will necessarily be some repetitions of fact in discussing the relations of different men to the same group of events, but this has been so far as possible avoided. And since my aim is the portrayal of character and influence, rather than the narration of historical annals, I have omitted vast numbers of interesting details, selecting only those of salient and vital importance.

BENJAMIN FRANKLIN.

1706–1790.

DIPLOMACY.

BENJAMIN FRANKLIN.

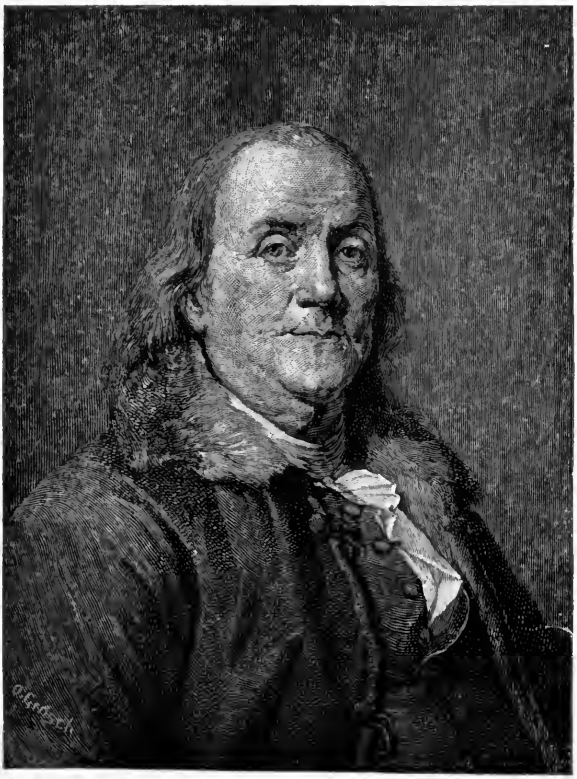
DIPLOMACY.

AT the commencement of the Revolutionary War, the most prominent and influential man in the colonies was perhaps Benjamin Franklin, then sixty-nine years of age. Certainly it cannot be doubted that he was one of the most illustrious founders of the American Republic. Among the great statesmen of the period, his fame is second only to that of Washington.

I will not dwell on his early life, since that part of his history is better known than that of any other of our great men, from the charming autobiography which he began to write but never cared to finish. He was born in Boston, January 17, 1706, the youngest but two of seventeen children. His father was a narrow-minded English Puritan, but respectable and conscientious, — a tallow-chandler by trade; and his ancestors for several generations had been blacksmiths in the little village of Ecton in Northamptonshire,

England. He was a precocious boy, not over-promising from a moral and religious point of view, but inordinately fond of reading such books as were accessible, especially those of a sceptical character. He had no sympathy with the theological doctrines then in vogue in his native town. At eight years of age he was sent to a grammar school, and at ten he was taken from it to assist his father in soap-boiling; but, showing a repugnance to this sort of business, he was apprenticed to his brother James at the age of twelve, to learn the art, or trade, of a printer. At fifteen we find him writing anonymously, for his brother's newspaper which had just been started, an article which gave offence to the provincial government, and led to a quarrel with his brother, who, it seems, was harsh and tyrannical.

Boston at this time was a flourishing town of probably about ten thousand or twelve thousand people, governed practically by the Calvinistic ministers, and composed chiefly of merchants, fishermen, and ship-carpenters, yet all tolerably versed in the rudiments of education and in theological speculations. The young Benjamin, having no liking for the opinions, manners, and customs of this strait-laced town, or for his cold and overbearing brother, concluded in his seventeenth year to run away from his apprenticeship. He found himself in a few days in New York, without



After the painting by Baron Jos. Sifrède Duplessis, Fine Arts Museum, Boston

BENJAMIN FRANKLIN

money, or friends, or employment. The printers' trade was not so flourishing in the Dutch capital as in the Yankee one he had left, and he wandered on to Philadelphia, the largest town in the colonies, whose inhabitants were chiefly Quakers, — thrifty, prosperous, tolerant, and kind-hearted. Fortunately, there were several printing-presses in this settlement; and after a while, through the kindness of a stranger, — who took an interest in him and pitied his forlorn condition, wandering up and down Market Street, poorly dressed, and with a halfpenny roll in his hand, or who was attracted by his bright and honest face, frank manners, and expressive utterances, — Franklin got work, with small wages. His industry and ability soon enabled him to make a better appearance, and attract friends by his uncommon social qualities.

It does not appear that Franklin was particularly frugal as a young man. He spent his money lavishly in convivial entertainments, of which he was the life, among his humble companions, a favorite not only with them, but with all the girls whose acquaintance he made. So remarkable was he for wit, good nature, and intelligence that at the age of eighteen he attracted the notice of the governor of the province, who promised to set him up in business, and encouraged him to go England to purchase types and a

printing-press. But before he sailed, having earned money enough to buy a fine suit of clothes and a watch, he visited his old home, and paraded his success with indiscreet ostentation, much to the disgust of his brother to whom he had been apprenticed.

On the young man's return to Philadelphia, the governor, Sir William Keith, gave him letters to some influential people in England, with promises of pecuniary aid, which, however, he never kept; so that when Franklin arrived in London he found himself without money or friends. But he was not discouraged. He soon found employment as a printer and retrieved his fortunes, leading a gay life, and spending his money, as fast as he earned it, at theatres and in social enjoyments with boon companions of doubtful respectability. Disgusted with London, or disappointed in his expectations, he returned to Philadelphia in 1726 as a mercantile clerk for a Mr. Durham, who shortly after died; and Franklin resumed his old employment with his former employer, Keimer, the printer.

On his long voyage home he had had time for reflection, and resolved to turn over a new leaf, and become more frugal and respectable. He would not give up his social pleasures, but would stick to his business, and employ his leisure time in profitable reading. This, Mr. Parton calls his "regeneration."

Others might view it as the completion of "sowing his wild oats." He certainly made himself very useful to the old visionary Keimer, who printed bank-notes for New Jersey, by making improvements on the copper plate; but he soon left this employment and set up for himself, in partnership with another young man.

The young printers started fairly, and hired the lower part of a house in Market Street, most of which they sublet. Their first job brought them but five shillings. Soon after, they were employed to print a voluminous history of the Quakers, at a very small profit; but the work was so well done that it led to a great increase of business.

The idea then occurred to Franklin to print a newspaper, there being but one in the colony, and that miserably dull. His old employer Keimer, hearing of his purpose accidentally, stole the march on him, and started a newspaper on his own account, but was soon obliged to sell out to Franklin and Meredith, not being able to manage the undertaking. "The Pennsylvania Gazette" proved a great success, and was remarkable for its brilliant and original articles, which brought the editor, then but twenty-three years old, into immediate notice. He had become frugal and industrious, but had not as yet renounced his hilarious habits, and could scarcely be called moral, for

about this time a son was born to him of a woman whose name was never publicly known. This son was educated by Franklin, and became in later years the royal governor of New Jersey.

Franklin was unfortunate in his business partner, who fell into drinking habits, so that he was obliged to dissolve the partnership. In connection with his printing-office, he opened a small stationer's-shop, and sold blanks, paper, ink, and pedler's wares. His business increased so much that he took an apprentice, and hired a journeyman from London. He now gave up fishing and shooting, and convivial habits, and devoted himself to money-making; but not exclusively, since at this time he organized a club of twelve members, called the "Junto," — a sort of debating and reading society. This club contrived to purchase about fifty books, which were lent round, and formed the nucleus of a circulating library, which grew into the famous Franklin Library, one of the prominent institutions of Philadelphia. In 1730, at the age of twenty-four, he married Deborah Reid, a pretty, kind-hearted, and frugal woman, with whom he lived happily for forty-four years. She was a true helpmeet, who stitched his pamphlets, folded his newspapers, waited on customers at the shop, and nursed and tended his illegitimate child.

After his marriage Franklin gave up what bad

habits he had acquired, though he never lost his enjoyment of society. He was what used to be called "a good liver," and took but little exercise, thus laying the foundation for gout, a disease which tormented him in the decline of life. He also somewhat amended his religious creed, and avowed his belief in a superintending Providence and his own moral accountability to God, discharging conscientiously the duties to be logically deduced from these beliefs,— submission to the Divine will, and kindly acts to his neighbors. He was benevolent, sincere, and just in his dealings, abhorring deceit, flattery, falsehood, injustice, and all dishonesty.

From this time Franklin rapidly gained in public esteem for his integrity, his sagacity, and his unrivalled good sense. His humor, wit, and conversational ability caused his society to be universally sought. He was a good judge of books for his infant library, and he took a great interest in everything connected with education. He was the life of his literary club, and made reading fashionable among the Quakers, who composed the leading citizens of the town, — a people tolerant but narrow, frugal but appreciative of things good to eat, kind-hearted but not remarkable for generosity, except to the poor of their own denomination, law-abiding but not progressive, modest and unassuming but conscious and conceited, as most

self-educated people are. It is a wonder that a self-educated man like Franklin was so broad and liberal in all his views, — an impersonation of good nature and catholicity, ever open to new convictions, and respectful of opinions he did not share, provoking mirth and jollity, yet never disturbing the placidity of a social gathering by irritating sarcasm.

Franklin's newspaper gave him prodigious influence, both social and political, in the infancy of journalism. It was universally admitted to be the best in the country. Its circulation rapidly increased, and it was well managed financially. James Parton tells us that Franklin "originated the modern system of business advertising." His essays, or articles, as we now call them, had great point, vivacity, and wit, and soon became famous; they thus prepared the way for his almanac, — originally entitled "Richard Saunders," and selling for five-pence. The sayings of "Poor Richard" in this little publication combined more wisdom and good sense in a brief compass than any other book published in America during the eighteenth century. It reached the firesides of almost every hamlet in the colonies. The New England divines thought them deficient in spirituality, rather worldly in their form, and useful only in helping people to get on in their daily pursuits. But the eighteenth century was not a spiritual age, in comparison with

the age which preceded it, either in Europe or America. The acute and exhaustive treatises of the seventeenth century on God, on "fixed fate, free will, foreknowledge absolute," on the foundation of morals, on consciousness as a guide in metaphysical speculation, had lost much of their prestige, if Jonathan Edwards' immortal deductions may be considered an exception. Prosperity and wars and adventures had made men material, and political themes had more charm than theological discussion. Pascal had given place to Hobbes and Voltaire, and Hooker to Paley. In such a state of society, "Poor Richard," inculcating thrift and economy, in English as plain and lucid as that of Cobbett half-a-century later, had an immense popularity. For twenty-five years, it annually made its way into nearly every household in the land. Such a proverbial philosophy as "Honesty is the best policy," "Necessity never made a good bargain," "Fish and visitors smell in three days," "God heals, and the doctors take the fees," "Keep your eyes open before marriage, and half-shut afterwards," "To bear other people's afflictions, every one has courage enough and to spare," — savored of a blended irony and cynicism exceedingly attractive to men of the world and wise old women, even in New England parishes, whatever Calvinistic ministers might say of the "higher life." The sale of the almanac was

greater than that of the "Pilgrim's Progress," and the wealth of Franklin stood out in marked contrast with the poverty of Bunyan a century before.

The business enterprise of the gifted publisher at this time was a most noticeable thing. He began to import books from England and to print anything that had money in it, — from political tracts to popular poems, from the sermons of Wesley to the essays of Cicero. He made no mistakes as to the popular taste. He became rich because he was sagacious, and an oracle because he was rich as well as because he was wise. Everybody asked his advice, and his replies were alike courteous and witty, although sometimes ironical. "Friend Franklin," said a noted Quaker lawyer, "thou knowest everything, — canst thou tell me how I am to preserve my small beer in the back yard? for I find that my neighbors are tapping it for me." "Put a barrel of Madeira beside it," replied the sage.

In 1736 Franklin was elected clerk of the General Assembly, — a position which brought more business than honor or emolument. It secured his acquaintance with prominent men, many of whom became his friends; for it was one of his gifts to win hearts. It also made him acquainted with public affairs. Its chief advantage, however, was that it gave him the public printing. His appointment in 1737 as post-

master in Philadelphia served much the same purposes. With increase of business, the result of industry and good work, and of influence based on character, he was, when but thirty years old, one of the most prominent citizens of Philadelphia. His success as a business man was settled. He had the best printing jobs in Pennsylvania, Maryland, New Jersey, and Delaware. No one could compete with him successfully. He inspired confidence while he enlarged his friendships, to which he was never indifferent. Whatever he touched turned to gold. His almanac was a mine of wealth; the sermons he printed, and the school-books he manufactured, sold equally well. With constantly increasing prosperity, he kept a level head, and lived with simplicity over his shop, — most business men lived over their shops, in both England and America at that period. He got up early in the morning, worked nine or ten hours a day, spent his evenings in reading and study, and went to bed at ten, finding time to keep up his Latin, and to acquire French, Spanish, and Italian, to make social visits, and play chess, of which game he was extravagantly fond till he was eighty years old. His income, from business and investments, was not far from ten thousand dollars a year, — a large sum in those days, when there was not a millionaire in the whole country, except perhaps among the Virginia planters.

Franklin was not ambitious to acquire a large fortune; he only desired a competency on which he might withdraw to the pursuit of higher ends than printing books. He had the profound conviction that great attainments in science or literature required easy and independent circumstances. It is indeed possible for genius to surmount any obstacles, but how few men have reached fame as philosophers or historians or even poets without leisure and freedom from pecuniary cares! I cannot recall a great history that has been written by a poor man in any age or country, unless he had a pension, or office of some kind, involving duties more or less nominal, which gave him both leisure and his daily bread, — like Hume as a librarian in Edinburgh, or Neander as a professor in Berlin.

Franklin, after twenty years of assiduous business and fortunate investments, was able to retire on an income of about four thousand dollars a year, which in those times was a comfortable independence anywhere. He retired with the universal respect of the community both as a business man and a man of culture. Thus far his career was not extraordinary, not differing much from that of thousands of others in the mercantile history of this country, or any other country. By industry, sagacity, and thrift he had simply surmounted the necessity of work, and had so improved his leisure hours by reading and study as to be on an

intellectual equality with anybody in the most populous and wealthy city in the country. Had he died before 1747 his name probably would not have descended to our times. He would have had only a local reputation as a philanthropical, intelligent, and successful business man, a printer by trade, who could both write and talk well, but was not able to make a better speech on a public occasion than many others who had no pretension to fame.

But a new career was opened to Franklin with the attainment of leisure and independence, — the career of a scientific investigator. The subject which most interested him was electricity, just then exciting great interest in Europe. In 1746 he attended in Boston a lecture on electricity by Dr. Spence, of Scotland, which induced him to make experiments himself, the result of which was to demonstrate to his mind the identity of the electrical current with lightning. What the new, mysterious power was, of course he could not tell, nor could any one else. All he knew was that sparks, under certain conditions, were emitted from clothing, furs, amber, jet, glass, sealing-wax, and other substances when excited by friction, and that the power thus producing the electric sparks would repel and attract. That amber, when rubbed, possesses the property of attracting and repelling light bodies was known to Thales and Pliny, and subsequent philoso-

phers discovered that other substances also were capable of electrical excitation. In process of time Otto Guericke added to these simple discoveries that of electric light, still further established by Isaac Newton, with his glass globe. A Dutch philosopher at Leyden, having observed that excited electrics soon lost their electricity in the open air, especially when the air was full of moisture, conceived the idea that the electricity of bodies might be retained by surrounding them with bodies which did not conduct it; and in 1745 the Leyden jar was invented, which led to the knowledge that the force of electricity could be extended through an indefinite circuit. The French savants conveyed the electric current through a circuit of twelve thousand feet.

It belonged to Franklin, however, to raise the knowledge of electricity to the dignity of a science. By a series of experiments, extending from 1747 to 1760, he established the fact that electricity is not created by friction, but merely collected from its state of diffusion through other matter to which it has been attracted. He showed further that all the phenomena produced by electricity had their counterparts in lightning. As it was obvious that thunder clouds contained an immense quantity of the electrical element, he devised a means to draw it from the clouds by rods erected on elevated buildings. As this was

After the painting by Karl Storch

FRANKLIN'S EXPERIMENTS WITH ELECTRICITY

not sufficiently demonstrative he succeeded at length in drawing the lightning from the clouds by means of a kite and silken string, so as to ignite spirits and other combustible substances by an electric spark similar to those from a Leyden jar. To utilize his discovery of the identity of lightning with electricity he erected lightning-rods to protect buildings, that is, to convey the lightning from the overhanging clouds through conductors to the ground. The importance of these lightning-rods was doubtless exaggerated. It is now thought by high scientific authorities that tall trees around a house are safer conductors in a thunder storm than metallic rods; but his invention was universally prized most highly for more than one hundred years, and his various further experiments and researches raised his fame as a philosopher throughout Europe. His house was a museum of electrical apparatus, and he became the foremost electrician in the world. His essays on the subject were collected and printed abroad, and translated into several languages, and among the scientists and philosophers of Europe he was the best known American of his time; while at home both Harvard and Yale Colleges conferred on this self-educated printer's-apprentice the degree of Master of Arts.

The inquiring mind of Franklin did not rest with experiments in the heavens. As a wealthy and inde-

pendent citizen of Philadelphia he interested himself in all matters of public improvement. He founded a philosophical society to spread useful knowledge of all kinds. He laid the foundation of what is now the University of Pennsylvania, and secured a charter from George II.; but he had little sympathy with the teaching of dead languages, attaching much more importance to the knowledge of French and Spanish than of Latin and Greek. We see in all his public improvements the utilitarian spirit which has marked the genius of this country, but a spirit directed into philanthropic channels. Hence he secured funds to build a hospital, which has grown into one of the largest in the United States. He established the first fire company in Philadelphia, as well as the first fire insurance company; he induced the citizens of Philadelphia to pave and sweep their streets, which were almost impassable in rainy weather; he reorganized the night-watch of the town; he improved the street-lighting; he was the trustee of a society to aid German immigrants; he started a volunteer military organization for defence of the State against the Indians; he made a new fertilizer for the use of farmers; he invented the open "Franklin stove" to save heat and remedy the intolerable smoky chimneys which the large flues of the time made very common; he introduced into Pennsylvania the culture

of the vine; in short, he was always on the alert to improve the material condition of the people. Nor did he neglect their intellectual improvement, inciting them to the formation of debating societies, and founding libraries. His intent, however, was avowedly utilitarian, to "supply the vulgar wants of mankind," which he placed above any form of spiritual philosophy, — inculcating always the worldly expediency of good character and the poor economy of vice. Herein he agreed with Macaulay's idea of progress as brought out in his essay on Lord Bacon. He never soared beyond this theory in his views of life and duty. The Puritanic idea of spiritual loftiness he never reached and never appreciated.

But it was not as a public-spirited citizen, nor as a successful man of business, nor even as a scientific investigator, that Franklin earned his permanent fame. In each of these respects he has been surpassed by men of whom little is known. These activities might have elevated him into notice and distinction, but would not have made him an immortal benefactor to his country. It was his services as a diplomatist and a political oracle, united with his patriotism and wisdom, that gave to him his extraordinary prominence in American history.

It should be remarked, however, that before his diplomatic career began, Franklin had become exception-

ally familiar with the affairs of the Colonies. We have already noted his appointment as postmaster of Philadelphia in 1737. This experience led to his employment by the Postmaster-General of the Colonies in regulating the accounts of that widely extended department, and to Franklin's appointment in 1753 to the head of it, which greatly increased his specific knowledge of men and affairs throughout the whole land. Besides this, he had gained some political experience as a member of the provincial General Assembly, of which he had been clerk for twenty years, and thus was well acquainted with public men and measures. The Assembly consisted of only forty members, who were in constant antagonism with the governor, James Hamilton, whom the Penns, the Proprietaries of the province, had appointed to look after their interests. This official was a narrow-minded, intriguing Englishman, while the sons of William Penn themselves were selfish and grasping men, living in England, far distant from their possessions, and regarding themselves simply as English landlords of a vast estate. Under the royal charter granted by Charles II. to William Penn, his heirs exacted £30,000 yearly from the farmers as rent for their lands, — more than they could afford to pay. But when, in 1756, at the beginning of the Seven Years' War, French and Indian hostilities put the whole province in jeopardy, and it became

necessary for the Provincial Legislature to tax the whole population for the common defence, the governor thought that the estates of the Proprietaries should be exempted from this just tax. Hence a collision between the legislature and the governor.

The Quakers themselves, in accordance with their peace principles, were opposed to any war tax, but Franklin induced the Assembly to raise sixty thousand pounds to support the war, then conducted by General Braddock, while he himself secured a large number of wagons for the use of the army across the wilderness.

Meanwhile the Assembly was involved in fresh disputes with the governor. Although the Assembly taxed the Proprietaries but a small proportion for the defence of their own possessions, the governor was unwilling to pay even this small amount; which so disgusted Franklin that he lost his usual placidity and poured out such a volley of angry remonstrances that the governor resigned. His successor fared no better with the angry legislature, and it became necessary to send some one to England to lay the grievances of the Colonists before the government, and to obtain relief from Parliament.

The fittest man for this business was Franklin, and he was sent as agent of the Province of Pennsylvania to London, the Assembly granting fifteen hundred pounds to pay his expenses, which, with his own pri-

vate income, enabled him to live in good style in London and set up a carriage. He held no high diplomatic rank as yet, but was simply an accredited business agent of the Province, which position, however, secured to him an entrance into society to a limited extent, and many valuable acquaintances. The brothers Penn, with whom his business was chiefly concerned, were cold and haughty, and evaded the matter in dispute with miserable quibbles. Franklin then resolved to appeal to the Lords of Trade, who had the management of the American colonial affairs, and also to the King's Privy Council.

This was in 1757, when William Pitt was at the height of his power and fame, cold, reserved, proud, but intensely patriotic, before whom even George III. was ill at ease, while his associates in the Cabinet were simply his clerks, and servilely bent before his imperious will. To this great man Franklin had failed to gain access, not so much from the minister's disdain of the colonial agent, as from his engrossing cares and duties. He had no time, indeed, for anybody, not even the peers of the realm, — no time for pleasure or relaxation, — being devoted entirely to public interests of the greatest magnitude; for on his shoulders rested the government of the kingdom. What was the paltry dispute of a few hundred pounds in a distant colony to the Prime Minister of England!

All that Franklin could secure was an interview with the great man's secretaries, and they did little to help him.

But the time of the active-minded American was not wasted. He wrote for the newspapers; he prosecuted his scientific inquiries; he became intimate with many eminent men, chiefly scientists, — members of the Royal Society like Priestley and Price, professors of political economy like Adam Smith, historians like Hume and Robertson, original thinkers like Burke, liberal-minded lawyers like Pratt. It does not seem that he knew Dr. Johnson, and probably he did not care to make the acquaintance of that overbearing Tory and literary dogmatist, who had little sympathy with American troubles. Indeed his political associates among the great were few, unless they were patrons of science, who appreciated his attainments in a field comparatively new. Among these men he seems to have been much respected, and his merits secured an honorary degree from St. Andrew's. His eminent social qualities favored his introduction into a society more cultivated than fashionable, and he was known as a scientific rather than a political celebrity.

His mission, then, was up-hill work. The Penns stood upon their prerogatives, and the Lords of the Committee for Plantations were unfriendly or dilatory. It was nearly three years before they gave

their decision, and this was adverse to the Pennsylvania Assembly. The Privy Council, however, to whom the persistent agent appealed, composed of the great dignitaries of the realm, decided that the proprietary estates of the Penns should contribute their proportion of the public revenue. On this decision, Franklin, feeling that he had accomplished all that was possible, returned home in 1762, little more than a year after the accession of George III. Through the kindness of Lord Bute, the king's favorite, Franklin also secured the appointment of his son to the government of New Jersey. This appointment created some scandal, and the Penns rolled up their eyes, not at the nepotism of Franklin, but because he had procured the advancement of his illegitimate son.

Franklin, during his absence of more than five years, had been regularly re-elected a member of the Assembly, and he was received on his return with every possible public and private attention. He had hoped now for leisure to pursue his scientific investigations, and had accordingly taken a new and larger house. But before long new political troubles arose between the governor of Pennsylvania and the legislature, and what was still more ominous, troubles in New England respecting the taxation of the Colonies by the British government, at the head of which was Grenville, an able man but not far-sighted, who in March,

1764, announced his intention of introducing into Parliament the bill known as the Stamp Act.

To this famous bill there was not great opposition, since a large majority of the House of Commons believed in the right of taxing the Colonies. Lord Camden, a great lawyer, took different views. Burke and Pitt admitted the right of taxation, but thought its enforcement inexpedient, as likely to alienate the Colonies and make them enemies instead of loyal subjects.

At this crisis appeared in America a group of orators who at once aroused and intensified the prevailing discontents by their inflammatory speeches, in much the same manner that Wendell Phillips and Wm. Lloyd Garrison, seventy years later, aroused public sentiment in reference to slavery. James Otis, the lawyer from Barnstable on the shores of Cape Cod, who had opposed the Writs of Assistance, "led the van of these patriots, — an impassioned orator, incapable of cold calculation, now foaming with rage, and then desponding, not steadfast in conduct, yet by flashes of sagacity lighting the people along their perilous ways, combining legal learning with speculative opinion." He eloquently maintained that "there is no foundation for distinction between external and internal taxes; that the imposition of taxes in the Colonies whether on trade, on land, or houses, or float-

ing property, is absolutely irreconcilable with the rights of the Colonists as British subjects or as men, and that Acts of Parliament against the fundamental principles of the British Constitution are void."

More influential, and more consistent than Otis, was Samuel Adams, a lawyer of Boston, a member of the Massachusetts Assembly, at that time about forty years of age, a political agitator, a Puritan of the strictest creed, poor and indifferent to money, an incarnation of zeal for liberty, a believer in original, inherent rights which no Parliament can nullify, — a man of the keenest political sagacity in management, and of almost unlimited influence in Massachusetts from his long and notable services in town-meeting, Colonial Assembly, as writer in the journals of the day, and actor in every public crisis. Eleven years younger than he, was his cousin John Adams, a lawyer in Quincy, the leading politician of the colony, able and ambitious, patriotic and honest, but irascible and jealous, of whom I shall have more to say hereafter. Of about the same age as John Adams was Patrick Henry, of Virginia, a born orator, but of limited education. He espoused the American cause with extraordinary zeal, and as in the matter of the Virginia tax law, was vehement in opposition to the Stamp Act, as an unconstitutional statute, which the Colonies were not bound to obey. Christopher Gadsden, of So. Carolina, too, was

early among the prominent orators who incited opposition to the Stamp Act and other oppressive measures.

These men were the great pioneers of American Independence, by their ceaseless agitation of popular rights, and violent opposition to English schemes of taxation. They were not, indeed, the equals of Franklin, then the agent of Pennsylvania in London. They had not his catholicity, his breadth of knowledge, his reputation, or his genius; but they were nevertheless foremost among American political orators, and had great local influence.

The first overt act of hostility on the part of the English government in coercing the Colonies was to send to Boston, the seat of disaffection, a large body of soldiers. In 1768 there were four regiments of British troops in Boston, doubtless with the view of intimidation, and to enforce the collection of duties.

The English did not overrate the bravery of their troops or the abilities of their generals, but they did underrate the difficulties in conquering a population scattered over a vast extent of territory. They did not take into consideration the protecting power of nature, the impenetrable forests to be traversed, the mighty rivers to be crossed, the mountains to be climbed, and the coasts to be controlled. Nor did they comprehend the universal spirit of resistance in a vast country, and the power of sudden growth in a

passion for national independence. They might take cities and occupy strong fortifications, but the great mass of the people were safe on their inland farms and in their untrodden forests. The Americans may not have been unconquerable, but English troops were not numerous enough to overwhelm them in their scattered settlements. It would not pay to send army after army to be lost in swamps or drowned in rivers or ambushed and destroyed in forests.

It was in the earlier stages of the revolt against taxation, in the autumn of 1764, that Benjamin Franklin was again sent to England to represent the province of Pennsylvania in the difficulties which hung as a dark cloud over the whole land. He had done well as a financial agent; he might do still better as a diplomatist, since he was patient, prudent, sagacious, intelligent, and accustomed to society, besides having extraordinary knowledge of all phases of American affairs. And he probably was sincere in his desire for reconciliation with the mother-country, which he still deemed possible. He was no political enthusiast like Samuel Adams, desirous of cutting loose entirely from England, but a wise and sensible man, who was willing to wait for inevitable developments; intensely patriotic, but armed with the weapons of reason, and trusting in these alone until reconciliation should become impossible.

As soon as Franklin arrived in England he set about his difficult task to reason with infatuated ministers, and with all influential persons so far as he had opportunity. But such were the prevailing prejudices against the Colonists, and such was the bitterness of men in power that he was not courteously treated. He was even grossly insulted before the Privy Council by the Solicitor-General, Wedderburn, — one of those browbeating lawyers so common in England one hundred years ago, who made up in insolence what was lacking in legal ability. Grenville, the premier, was civil but stubborn, and attempted to show that there was no difference between the external, indirect taxation by duties on importations, and the direct, internal taxation proposed by the Stamp Act, — both being alike justifiable.

In March, 1765, the bill was passed by an immense majority. Then blazed forth indignation from every part of America, and the resolute Colonists set themselves to nullify the tax laws by refraining from all taxable transactions.

Franklin, undismayed, sedulously went about working for a repeal of the odious stamp law, and at length got a hearing at the bar of the House of Commons, where he was extensively and exhaustively examined upon American affairs. In this famous examination he won respect for the lucidity of his

statements and his conciliatory address. It soon became evident that the Stamp Act could not be enforced. No one could be compelled to buy stamps or pay tariff taxes if he preferred to withdraw from all business transactions, wear homespun, do without British manufactures, and even refrain from eating lamb that flocks of sheep might be increased and the wool used for homespun cloth.

It was in March, 1766, that Franklin, after many months of shrewd, wise, and extraordinarily skilful work with tongue and pen and social influence, had the satisfaction of seeing the Stamp Act repealed by Parliament and the bill signed by the unwilling king. Although he was at all possible disadvantage, as being merely the insignificant agent of distant and despised Colonists, his influence in the matter cannot be exaggerated. He made powerful friends and allies, and never failed to supply them with ample ammunition with which to fight their own political battles in which his cause was involved.

On the repeal of the Stamp Act, Grenville was compelled to resign, and his place was taken by Lord North, an amiable but narrow-minded man, utterly incapable of settling the pending difficulties. Lord Shelburne, a friend of the Colonies, of which he had the charge, was superseded by Lord Hillsborough, an Irish peer of great obstinacy, who treated Franklin

very roughly, and of whom the king himself soon tired. Lord Dartmouth, who succeeded him, might have arranged the difficulties had he not been hampered by the king, who was inflexibly bent on taxation in some form, and on pursuing impolitic measures, against the exhortations of Chatham, Barré, Conway, Camden, and other far-reading statesmen, who foresaw what the end would be.

Meantime, in 1770, Franklin was appointed agent also for Massachusetts Bay, and about the same time for New Jersey and Georgia. Schemes for colonial taxation were rife, and, although the Stamp Act had been withdrawn as impracticable, the principle involved was not given up by the English government nor accepted by the American people. Franklin was kept busy.

In 1773 Franklin was further impeded in his negotiations by mischievous letters which Governor Hutchinson of Massachusetts had written to the Colonial office. This governor was an able man, a New Englander by birth, but an inveterate Tory, always at issue with the legislature, whose acts he had the power to veto. Indiscreetly, rather than maliciously, he represented the prevailing discontents in the worst light, and considerably increased the irritation of the English government. Franklin in some way got possession of these inflammatory let-

ters, and transmitted a copy to a leading member of the Massachusetts General Court, as a matter of information, but with the understanding that it should be kept secret. It leaked out however, of course, and the letters were printed. A storm of indignation in Massachusetts resulted in a petition for the removal of Governor Hutchinson and Lieutenant-Governor Oliver, which was sent by the House of Representatives to Franklin for presentation to the government; while, on the other hand, a torrent of obloquy overwhelmed the diplomatist in England, who was thought to have stolen the letters, although there was no evidence to convict him.

Franklin's situation in London now became uncomfortable; he was deprived of his office of deputy Postmaster-General of the Colonies, which he had held since 1753, was virtually discredited, and generally snubbed. His presentation of the petition afforded an opportunity for his being publicly insulted at the hearing appointed before the Committee for Plantation Affairs, while the press denounced him as a fomenter of sedition. His work in England was done, and although he remained there some time longer, on the chance of still being of possible use, he gladly availed himself of an opportunity, early in 1775, to return to America. Before his departure, however, Lord Chatham had come to his rescue when he was one

day attacked with bitterness in the House of Lords, and pronounced upon him this splendid eulogium: "If," said the great statesman, "I were prime minister and had the care of settling this momentous business, I should not be ashamed to call to my assistance a person so well acquainted with American affairs, — one whom all Europe ranks with our Boyles and Newtons, as an honor, not to the English nation only, but to human nature itself."

From this time, 1775, no one accused Franklin of partiality to England. He was wounded and disgusted, and he now clearly saw that there could be no reconciliation between the mother-country and the Colonies, — that differences could be settled only by the last appeal of nations. The English government took the same view, and resorted to coercion, little dreaming of the difficulties of the task. This is not the place to rehearse those coercive measures, or to describe the burst of patriotic enthusiasm which swept over the Colonies to meet the issue by the sword. We must occupy ourselves with Franklin.

On his return to Philadelphia, at the age of sixty-nine, he was most cordially welcomed. His many labors were fully appreciated, and he was immediately chosen a member of the second Continental Congress, which met on the 10th of May, 1775. He was put on the most important committees, and

elected Postmaster-General. He was also selected as one of the committee to draft the Declaration of Independence. It does not appear that he was one of the foremost speakers. He was no orator, but his influence was greater than that of any other one man in the Congress. He entered heart and soul into the life-and-death struggle which drew upon it the eyes of the whole civilized world. He was tireless in committee work; he made long journeys on the business of the Congress, — to Montreal, to Boston, to New York; he spent the summer of 1776 as chairman of the first Constitutional Convention of the State of Pennsylvania: on every hand his resources were in demand and were lavishly given.

It was universally felt at the beginning of the struggle that unless the Colonies should receive material aid from France, the issue of the conflict with the greatest naval and military power in Europe could not succeed. Congress had no money, no credit, and but scanty military stores. The Continental troops were poorly armed, clothed, and fed. Franklin's cool head, his knowledge, his sagacity, his wisdom, and his patriotism marked him out as the fittest man to present the cause in Europe, and in September, 1776, he was sent to France as an envoy to negotiate a treaty of amity and commerce between France and the United States. With him were joined Arthur Lee and

Silas Deane, the latter having been sent some months previously in a less formal way, to secure the loan of money, ammunition, and troops.

It is not to be supposed that the French monarchy had any deep sympathy with the Americans in their struggle for independence. Only a few years had elapsed since the Colonies had fought with England against France, to her intense humiliation. Canada had been by their help wrenched from her hands. But France hated England, and was jealous of her powers, and would do anything to cripple that traditionary enemy. Secret and mysterious overtures had been made to Congress which led it to hope for assistance. And yet the government of France could do nothing openly, for fear of giving umbrage to her rival, since the two powers were at peace, and both were weary of hostilities. Both were equally exhausted by the Seven Years' War. Moreover, the king, Louis XV., sought above all things repose and pleasure. It was a most unpropitious time for the Colonies to seek for aid, when the policy of the French government was pacific, and when Turgot was obliged to exert his financial genius to the utmost to keep the machine of government in running order.

Under these circumstances the greatest prudence, circumspection, and tact were required of a financial and diplomatic agent sent to squeeze money from the

French treasury. If aid were granted at all it must be done covertly, without exciting even the suspicions of the English emissaries at Paris. But hatred of England prevailed over the desire of peace, and money was promised. There were then in France many distinguished men who sympathized with the American cause, while the young king himself seems to have had no decided opinions about the matter.

The philosophy of Rousseau had permeated even aristocratic circles. There was a charm in the dogma that all men were "created equal." It pleased sentimental philosophers and sympathetic women. I wonder why the king, then absolute, did not see its logical consequences. Surely there were rumblings in the political atmosphere to which he could not be deaf, and yet with inconceivable apathy and levity the blinded monarch pursued his pleasures, and remarked to his courtiers that the storm would not burst in his time: *Après moi, le déluge.*

Turgot, the ablest man in France, would have stood aloof; but Turgot had been dismissed, and the Count de Vergennes was at the helm, a man whose ruling passion was hatred of England. If he could help the Colonies he would, provided he could do it secretly. So he made use of a fortunate adventurer, originally a watchmaker, by the name of Beaumarchais who set up for a merchant, through whom supplies

were sent to America, — all paid for, however, out of the royal exchequer. The name, even, of this supposed mercantile house was fictitious. A million of livres were transmitted through this firm to America, apparently for business purposes, Silas Deane of Connecticut, the first agent of the Americans, alone being acquainted with the secret. He could not keep it, however, but imparted it to a friend, who was a British spy. In consequence, most of the ships of Hortalez & Co., loaded with military stores, were locked up by technical governmental formalities in French ports, while the American vessels bearing tobacco and indigo in exchange also failed to appear. The firm was in danger of bankruptcy, while Lord Stormont, the British ambassador, complained to Vergennes of the shipment of contraband goods, — an offence against the law of nations.

Amid the embarrassments which Deane had brought about by his indiscretion, Franklin arrived at Paris; but he wisely left Deane to disentangle the affairs of the supposed mercantile house, until this unfortunate agent was recalled by Congress, — a broken-down man, who soon after died in England, poor and dishonored. Deane had also embarrassed Franklin, and still more the military authorities at home, by the indiscriminate letters of commendation he gave to impecunious and incapable German and

French officers as being qualified to serve in the American army.

Probably no American ever was hailed in Paris with more *éclat* than Benjamin Franklin. His scientific discoveries, his cause invested with romantic interest, his courtly manners, his agreeable conversation, and his reputation for wisdom and wit, made him an immediate favorite among all classes with whom he came in contact. He was universally regarded as the apostle of liberty and the impersonation of philosophy. Not wishing to be too conspicuous, and dreading interruptions to his time, he took up his residence at Passy, a suburb of Paris, where he lived most comfortably, keeping a carriage and entertaining at dinner numerous guests. He had a beautiful garden, in which he delighted to show his experiments to distinguished people. His face always wore a placid and benignant expression. He had no enemies, and many friends. His society was particularly sought by fashionable ladies and eminent savants. While affable and courteous, he was not given to flattery. He was plain and straightforward in all he said and did, thus presenting a striking contrast to diplomatists generally. Indeed, he was a universal favorite, which John Adams, when he came to be associated with him, could not understand. Adams was sent to France in 1778 to replace Silas Deane, and while there was

always jealous of Franklin's ascendency in society and in the management of American affairs. He even complained that the elder envoy was extravagant in his mode of living. In truth, Franklin alone had the ear of the Count de Vergennes, through whom all American business was transacted, which exceedingly nettled the intense, confident, and industrious Adams, whose vanity was excessive.

I need not dwell on the embarrassments of Franklin in raising money for the American cause. There was no general confidence in its success among European bankers or statesman. The French government feared to compromise itself. Many of the remittances already sent had been intercepted by British cruisers. The English minister at Paris stormed and threatened. The news from America was almost appalling, for the British troops had driven Washington from New York and Long Island, and he appeared to be scarcely more than a fugitive in New Jersey, with only three or four thousand half-starved and half-frozen followers. A force of ten thousand men had been recently ordered to America under General Burgoyne. Almost discouraged, the envoys applied for loans to the Dutch bankers and to Spain, but without success.

It was not until December, 1777, when the news arrived in France of the surrender of General Burgoyne and his army to the Americans at Saratoga,

New York, in October, that Franklin had any encouragement. Not until it was seen that the conquest of America was hopeless did the French government really come to the aid of the struggling cause, and then privately. Spain joined with France in offers of assistance; but as she had immense treasures on the ocean liable to capture, the matter was to be kept secret. When secrecy was no longer possible a commercial treaty was made between the United States and the allies, February 6, 1778, but was not signed until Arthur Lee, of Virginia, one of the commissioners, had made a good deal of mischief by his captious opposition to Franklin, whom he envied and hated. The treaty becoming known to the English government in a few days, Lord North, who saw breakers ahead, was now anxious for conciliation with America. It was too late. There could be no conciliation short of the acknowledgment of American independence, and a renewal of war between France and England became certain. If the conquest of the United States had been improbable, it now had become impossible, with both France and Spain as their allies. But the English government, with stubborn malignity, persevered in the hopeless warfare.

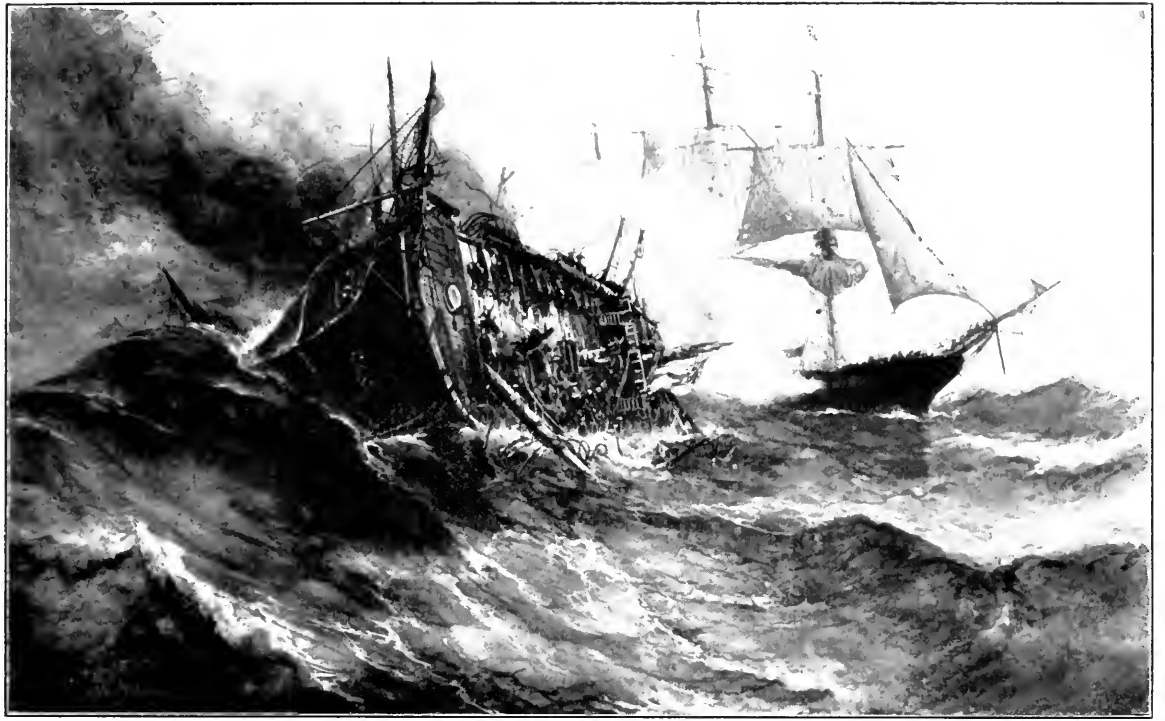
After the recall of Silas Deane, the business of the embassy devolved chiefly on Franklin, who, indeed, within a year was appointed sole minister, Adams

and Lee being relieved. Besides his continuous and exhausting labors in procuring money for Congress at home, and for nearly all of its representatives abroad, Franklin was always effecting some good thing for his country. He especially commended to the American authorities the Marquis de La Fayette, then a mere youth, who had offered to give his personal services to the conflict for liberty. This generous and enthusiastic nobleman was a great accession to the American cause, from both a political and a military point of view, and always retained the friendship and confidence of Washington. Franklin rendered important services in securing the amelioration of the condition of American prisoners in England, who theretofore had been treated with great brutality; after years of patient and untiring effort, he so well succeeded that they were now honorably exchanged according to the rules of war. Among the episodes of this period largely due to Franklin's sagacity and monetary aid, was the gallant career of John Paul Jones, a Scotchman by birth, who had entered the American navy as lieutenant, and in one short cruise had taken sixteen British prizes, — the first man to hoist the "Stars and Stripes" on a national vessel. He was also the first to humble the pride of England in its sorest point, since, with unparalleled audacity, he had succcessfully penetrated to the harbor of the town

in which he was born. The "Bon Homme Richard," a large frigate of forty guns, of which, by the aid of Franklin, Jones secured the command, and which he named in honor of "Poor Richard" of the almanac, made his name famous throughout both Europe and America.

The turning-point of the American War was the surrender of Burgoyne, which brought money and men and open aid from France; the decisive event was the surrender of Lord Cornwallis, October 19, 1781, to Washington, commanding the allied French and American forces, with the aid of the French fleet. Although the war was still continued in a half-hearted way, the Cornwallis disaster convinced England of its hopelessness, and led to negotiations for peace. In these the diplomatic talents of Franklin eclipsed his financial abilities. And this was the more remarkable, since he was not trained in the diplomatic school, where dissimulation was the leading peculiarity. He gained his points by frank, straightforward lucidity of statement, and marvellous astuteness, combined with an imperturbable command of his temper. The trained diplomatists of Europe, with their casuistry and lies, found in him their match.

The subjects to be discussed and settled, however, were so vital and important that Congress associated with Franklin, John Adams, minister at the Hague,



After the painting by J. O. Davidson

THE FIGHT OF THE BONHOMME RICHARD AND SERAPIS

and John Jay, then accredited to Madrid. Nothing could be more complicated than the negotiations between the representatives of the different powers. First, there was a compact between the United States and their allies that peace should not be concluded without their common consent, and each power had some selfish aim in view. Then, England and France each sought a separate treaty. In England itself were divided counsels: Fox had France to look after, and Shelburne the United States; and these rival English statesmen were not on good terms with each other. In the solution of the many questions that arose, John Jay displayed masterly ability. He would take nothing for granted, while Franklin reposed the utmost confidence in the Count de Vergennes. Jay soon discovered that the French minister had other interests at heart than those of America alone, — that he had an eye on a large slice of the territories of the United States, — that he wanted some substantial advantage for the ships and men he had furnished. He wanted no spoils, for there were no spoils to divide, but he wanted unexplored territories extending to the Mississippi, which Jay had no idea of granting. There were other points to which Franklin attached but little importance, but which were really essential in the eye of Jay. Among other things the agent of England, a Mr. Oswald, — a man of high

character and courteous bearing,—was empowered to treat with the "Thirteen Colonies," to which Franklin, eager for peace, saw no objection; but Jay declined to sign the preliminaries of peace unless the independence and sovereignty of the "United States" were distinctly acknowledged. At this stage of negotiations John Adams, honest but impetuous and irritable, hastened from The Hague to take part in the negotiations. He sided with Jay, and Franklin had to yield, which he did gracefully, probably attaching but small importance to the matter in question. What mattered it whether the triumphant belligerents were called "Colonies" or "States" so long as they were free? To astute lawyers like Jay and Adams, however, the recognition of the successfully rebellious Colonies as sovereign States was a main point in issue.

From that time, as Franklin suffered from a severe illness, Jay was the life of the negotiations, and the credit is generally given to him for the treaty which followed, and which was hurried through hastily for fear that a change in the British ministry would hazard its success. It came near alienating France, however, since it had been distinctly understood that peace should not be made without the consent of all the contracting powers, and this treaty was made with England alone. Franklin, in the transaction, was the more honest, and Jay the more astute.

Strictly speaking, all these three commissioners rendered important services in their various ways. Franklin's urbanity and frankness, and the high esteem in which he was held both in France and in England, made easy the opening of the negotiations, and he gained a special point in avoiding any agreement of indemnity to American royalists who had suffered in person or property during the war, while he maintained pleasant relations with France when Vergennes was pursuing his selfish policy to prevent the United States from becoming too strong, and when he became indignant that the treaty had been concluded with England irrespective of France. Jay, with keen sagacity, fathomed the schemes of the French minister, and persistently refused to sign a treaty of peace unless it was satisfactory and promised to be permanent and mutually advantageous. Adams was especially acquainted with the fisheries question and its great importance to New England; and he insisted on the right of Americans to fish on the banks of Newfoundland. All three persisted in the free navigation of the Mississippi, which it was the object of Spain to prevent. Great Britain, Spain, and France would have enclosed the United States by territories of their own, and would have made odious commercial restrictions. By the firmness and sagacity of these three diplomatists the United States finally

secured all they wanted and more than they expected. The preliminary articles were signed November 30, 1782, and the final treaties of peace between England, France, and the United States on September 3, 1783.

These negotiations at last having been happily concluded, Franklin wished to return home, but he remained, at the request of Congress, to arrange commercial treaties with the various European nations. Reluctantly at last his request to be relieved was granted, and he left France in July, 1785. Thomas Jefferson was appointed to the position. "You replace Dr. Franklin," said the Count de Vergennes to the new plenipotentiary. "I succeed him," replied Jefferson; "no one can replace him."

Franklin would have been the happiest man in Europe at the conclusion of peace negotiations, but for his increasing bodily infirmities, especially the gout, from which at times he suffered excruciating agonies. He was a universal favorite, admired and honored as one of the most illustrious men living. His house in Paris was the scene of perpetual hospitalities. Among his visitors were the younger Pitt, Wilberforce, Romilly, and a host of other celebrities, French and English, especially eminent scientific men. He was then seventy-eight years of age, but retained all the vivacity of youth. His conversation is said to have been as enchanting as it was instructive. His

wit and humor never ceased to flow. His pregnant sentences were received as oracles. He was a member of the French Academy and attended most of its meetings. He was a regular correspondent of the most learned societies of Europe.

When the time came for him to return home he was too ill to take leave of the king, or even of the minister of foreign affairs. But Louis XVI. ordered one of the royal litters to convey the venerable sufferer to the coast, as he could not bear the motion of a carriage. In his litter, swung between two mules, Franklin slowly made his way to Havre, and thence proceeded to Southampton to embark for America. The long voyage agreed with him, and he arrived in Philadelphia in September, in improved health, after an absence of nine years. No one would have thought him old except in his walk, his feet being tender and swollen with the gout. His voice was still firm, his cheeks were ruddy, his eyes bright, and his spirits high.

Settled in his fine house in Market Street, surrounded by his grandchildren, and idolatrous neighbors and friends, he was a rare exception to the rule that a prophet is not without honor save in his own country. He had fortune, friends, fame, and a numerous family who never disgraced his name. Of all the great actors in the stormy times in which he lived, he

was one of the most fortunate. He had both genius and character which the civilized world appreciated, and so prudent had been his early business life and his later investments, that he left a fortune of about one hundred and fifty thousand dollars, — a great sum to accumulate in his times.

The last important service rendered by Franklin to his country was as a member of the memorable convention which gave the Constitution to the American nation in 1787. Of this assembly, in which sat Washington, Hamilton, Madison, Dickinson, Livingstone, Ellsworth, Sherman, and other great men, Franklin was the Nestor, in wisdom as well as years. He was too feeble to take a conspicuous part in the discussions, but his opinions and counsel had great weight whenever he spoke, for his judgment was never clearer than when he had passed fourscore years. The battle of words had to be fought by younger and more vigorous men, of whom, perhaps, Madison was the most prominent. At no time of his life, however, was Franklin a great speaker, except in conversation, but his mind was vigorous to the end.

This fortunate man lived to see the complete triumph of the cause to which he had devoted his public life. He lived also to see the beginning of the French Revolution, to which his writings had contributed. He lived to see the amazing prosperity of his country

when compared with its condition under royal governors. One of his last labors was to write an elaborate address in favor of negro emancipation, and as president of an abolition society to send a petition to Congress to suppress the slave-trade. A few weeks before his death he replied to a letter of President Stiles of Yale College setting forth his theological belief. Had he been more orthodox, he would have been more extolled by those men who controlled the religious opinions of his age.

Franklin died placidly on the 17th of April, 1790, in the eighty-fifth year of his age, and his body was followed to the grave by most of the prominent citizens of Philadelphia in the presence of twenty thousand spectators. James Madison pronounced his eulogy in Congress, and Mirabeau in the French National Assembly, while the most eminent literary men in both Europe and America published elaborate essays on his deeds and fame, recognizing the extent of his knowledge, the breadth of his wisdom, his benevolence, his patriotism, and his moral worth. He modestly claimed to be only a printer, but who, among the great lights of his age, with the exception of Washington, has left a nobler record?

AUTHORITIES.

Mr. James Parton has, I think, written the most interesting and exhaustive life of Franklin, although it is not artistic and is full of unimportant digressions. Sparks has collected most of his writings, which are rather dull reading. The autobiography of Franklin was never finished, — a unique writing, as frank as the "Confessions" of Rousseau. A good biography is the one by Morse, in the series of "American Statesmen" which he is editing. Not a very complimentary view of Franklin is taken by McMaster, in the series of "American Men of Letters." See also Bancroft's "United States."

GEORGE WASHINGTON.

1732–1799.

THE AMERICAN REVOLUTION.

GEORGE WASHINGTON.

THE AMERICAN REVOLUTION.

ONE might shrink from writing on such a subject as General Washington were it not desirable to keep his memory and deeds perpetually fresh in the minds of the people of this great country, of which he is called the Father, — doubtless the most august name in our history, and one of the grandest in the history of the world.

Washington was not, like Franklin, of humble origin; neither can he strictly be classed with those aristocrats who inherited vast landed estates in Virginia during the eighteenth century, and who were ambitious of keeping up the style of living common to wealthy country gentlemen in England at that time. And yet the biographers of Washington trace his family to the knights and squires who held manors by grant of kings and nobles of England, centuries ago. About the middle of the seventeenth century John and Lawrence Washington, two brothers, of a

younger branch of the family, both Cavaliers who had adhered to the fortunes of Charles I., emigrated to Virginia, and purchased extensive estates in Westmoreland County, between the Potomac and the Rappahannock rivers. The grandson of one of these brothers was the father of our hero, and was the owner of a moderate plantation on Bridges Creek, from which he removed, shortly after the birth of his son, George, in 1732, to an estate in Stafford County, opposite Fredericksburg.

It was here that the early years of Washington were passed, in sports and pleasures peculiar to the sons of planters. His education was not entirely neglected, but beyond reading, writing, and arithmetic, his youthful attainments were small. In general knowledge he was far behind the sons of wealthy farmers in New England at that time, — certainly far behind Franklin when a mere apprentice to a printer. But he wrote a fair, neat, legible hand, and kept accounts with accuracy. His half-brother Lawrence had married a relative of Lord Fairfax, who had settled in Virginia on the restoration of Charles II. Lawrence was also the owner of the estate of Mount Vernon, on the Potomac, — the wealthiest member of his family, and a prominent member of the Virginia House of Burgesses. Through this fortunate brother, George became intimate with the best families in

Virginia. His associates were gentlemen of position, with whom he hunted and feasted, and with whose sisters he danced, it is said, with uncommon grace.

In person, young Washington was tall, — over six feet and two inches, — his manners easy and dignified, his countenance urbane and intelligent, his health perfect, his habits temperate, his morals irreproachable, and his sentiments lofty. He was a model in all athletic exercises and all manly sports, — strong, muscular, and inured to exposure and fatigue. He was quick and impetuous in temper, a tendency which he early learned to control. He was sullied with none of the vices then so common with the sons of planters, and his character extorted admiration and esteem.

Such a young man of course became a favorite in society. His most marked peculiarities were good sense and the faculty of seeing things as they are without exaggeration. He was truthful, practical, straight-forward, and conscientious, with an uncommon insight into men, and a power of inspiring confidence. I do not read that he was brilliant in conversation, although he had a keen relish for the charms of society, or that he was in any sense learned or original. He had not the qualities to shine as an orator, or a lawyer, or a literary man; neither in any of the learned professions would he have sunk below mediocrity, being industrious, clear-headed, saga-

cious, and able to avail himself of the labors and merits of others. As his letters show, he became a thoroughly well-informed man. In surveying, farming, stock-raising, and military matters he read the best authorities, often sending to London for them. He steadily fitted himself for his life as a country gentleman of Virginia, and doubtless aspired to sit in the House of Burgesses. He never claimed to be a genius, and was always modest and unassuming, with all his self-respect and natural dignity.

In the middle of the eighteenth century the cultivation of tobacco, to which the wealth and enterprise of Virginia were directed, was not as lucrative as it had been, and among the planters, aristocratic as they were in sentiments and habits, there were many who found it difficult to make two ends meet, and some, however disdainful of manual labor, were compelled to be as economical and saving as New England farmers. Their sons found it necessary to enter the learned professions or become men of business, since they could not all own plantations. Washington, whose family was neither rich nor poor, prepared himself for the work of a surveyor, for which he was admirably fitted, by his hardihood, enterprise, and industry.

Lord Fairfax, who had become greatly interested in the youth and had made him a frequent companion, giving him the inestimable advantage of familiar

intercourse with a thoroughbred gentleman of varied accomplishments, in 1748 sent this sixteen-year-old lad to survey his vast estates in the unexplored lands at the base of the Alleghany Mountains. During this rough expedition young Washington was exposed to the hostilities of unfriendly Indians and the fatigues and hardships of the primeval wilderness; but his work was thoroughly and accurately performed, and his courage, boldness, and fidelity attracted the notice of men of influence and rank. Through the influence of his friend Lord Fairfax he was appointed a public surveyor, and for three years he steadfastly pursued this laborious profession.

A voyage to Barbadoes in 1751 cultivated his habits of clear observation, and in 1752 his brother's death imposed on him the responsibility of the estates and the daughter left to his care by his brother Lawrence.

Young Washington had already, through the influence of his brother, been appointed major and adjutant-general of one of the military districts of Virginia. The depredations of the French and Indians on the border had grown into dangerous aggression, and in 1753 Major Washington was sent as a commissioner through the wilderness to the French headquarters in Ohio, to remonstrate. His admirable conduct on this occasion resulted in his appointment as lieutenant-colonel of the Virginia regiment of six companies sent

to the Ohio frontier; and in this campaign Washington gained new laurels, surprising and defeating the French. His native and acquired powers and his varied experience in Indian warfare now marked him out as a suitable aide to the British General Braddock, who, early in 1755, arrived with two regiments of English soldiers to operate against the French and Indians. This was the beginning of the memorable Seven Years' War.

Washington was now a young man of twenty-three, full of manly vigor and the spirit of adventure, brave as a lion, — a natural fighter, but prudent and far-seeing. He fortunately and almost alone escaped being wounded in the disastrous campaign which the British general lost through his own obstinacy and self-confidence, by taking no advice from those used to Indian warfare. Braddock insisted upon fighting foes concealed behind trees, as if he were in the open field. After the English general's inglorious defeat and death, Washington continued in active service as commander of the Virginia forces for two years, until toil, exposure, and hardship produced an illness which compelled him to withdraw for several months from active service. When at the close of the war he returned to private life, Colonel Washington had won a name as the most efficient commander in the whole conflict, displaying marvellous resources in the con-

stant perils to which he was exposed. Among his exploits was the capture of Fort Duquesne, now Pittsburgh, in 1758, which terminated the French domination of the Ohio, and opened up Western Pennsylvania to enterprising immigrants. For his rare services this young man of twenty-six received the thanks of the House of Burgesses, of which he had been elected a member at the close of the war. When he entered that body to take his place, the welcome extended to him was so overwhelming that he stood silent and abashed. But the venerable Speaker of the House exclaimed, "Sit down, Mr. Washington; your modesty equals your valor, and that surpasses the power of any language I possess."

Meanwhile, Mount Vernon, a domain which extended ten miles along the Potomac River, fell into Washington's possession by the death of his brother Lawrence's daughter, which made him one of the richest planters in Virginia. And his fortunes were still further advanced by his marriage in 1759 with the richest woman in the region, Martha, the widow of Daniel Parke Custis. This lady esteemed his character as much as Kadijah revered Mohammed, to say nothing of her admiration for his manly beauty and military renown. His style of life as the lord of Mount Vernon was almost baronial. He had a chariot and four, with black postilions in livery, for the

use of his wife, while he himself always appeared on horseback, the finest rider in Virginia. His house was filled with aristocratic visitors. He had his stud of the highest breed, his fox hounds, and all the luxuries of a prosperous country gentleman. His kitchens, his smoke-houses, his stables, his stewards, his tobacco-sheds, his fields of wheat and corn, his hundred cows, his vast poultry-yards, his barges, all indicated great wealth, and that generous hospitality which is now a tradition. His time was passed in overseeing his large estate, and in out-of-door sports, following the hounds or fishing, exchanging visits with prominent Virginia families, amusing himself with card-playing, dancing, and the social frivolities of the day. But he neglected no serious affairs; his farm, his stock, the sale of his produce, were all admirably conducted and on a plane of widely recognized honor and integrity. He took great interest in the State at large, explored on foot the Dismal Swamp and projected its draining, made several expeditions up the Potomac and over the mountains, laying out routes for new roads to the Ohio country, gained much influence in the House of Burgesses, and was among the foremost in discussing privately and publicly the relations of the Colonies with the Mother Country.

Thus nine years were passed, in luxury, in friendship, and in the pleasures of a happy, useful life.

What a contrast this life was to that of Samuel Adams in Boston at the same time, — a man too poor to keep a single servant, or to appear in a decent suit of clothes, yet all the while the leader of the Massachusetts bar and legislature and the most brilliant orator in the land!

When the Stamp Act was passed by the infatuated Parliament of Great Britain, Washington was probably the richest man in the country, but as patriotic as Patrick Henry. He deprecated a resort to arms, and desired a reconciliation with England, but was ready to abandon his luxurious life, and buckle on his sword in defence of American liberties. As a member of the first general Congress, although no orator, his voice was heard in favor of freedom at any loss or hazard. He was chairman of the Committee on Military Affairs, and did much to organize the defensive operations set on foot. When the battle of Lexington was fought, and it became clear that only the sword could settle the difficulties, Washington, at the nomination of John Adams in the Second Congress, was unanimously chosen commander-in-chief of the American armies. With frank acknowledgment of a doubt whether his abilities and experience were equal to the great trust, and yet without reluctance, he accepted the high and responsible command, pledging the exertion of all his powers, under Providence, to lead the country through

its trials and difficulties. He declined all pay for his services, asking only that Congress would discharge his expenses, of which he would "keep an exact account." And this he did, to the penny.

Doubtless, no man in the Colonies was better fitted for this exalted post. His wealth, his military experience, his social position, his political influence, and his stainless character, exciting veneration without envy, marked out Washington as the leader of the American forces. On the whole, he was the foremost man in all the land for the work to be done. In his youth he had been dashing, adventurous, and courageous almost to rashness; but when the vast responsibilities of general-in-chief in a life-and-death struggle weighed upon his mind his character seemed to be modified, and he became cautious, reticent, prudent, distant, and exceedingly dignified. He allowed no familiarity from the most beloved of his friends and the most faithful of his generals. He stood out apart from men, cold and reserved in manner, though capable of the warmest affections. He seemed conscious of his mission and its obligations, resolved to act from the severest sense of duty, fearless of praise or blame, though not indifferent to either. He had no jealousy of his subordinates. He selected, so far as he was allowed by Congress, the best men for their particular duties, and with almost unerring instinct. So far as he had con-

fidants, they were Greene, the ablest of his generals, and Hamilton, the wisest of his counsellors, — ostensibly his aide-de-camp, but in reality his private secretary, the officer to whom all great men in high position are obliged to confide their political secrets.

Washington was "the embodiment of both virtue and power" in the eyes of his countrymen, who gave him their confidence, and never took it back in the darkest days of their calamities. On the whole, in spite of calumny and envy, no benefactor was ever more fully trusted, — supremely fortunate even amid gloom and public duties. This confidence he strove to merit, as his highest reward.

Such was Washington when, at the age of forty-three, he arrived at Cambridge in Massachusetts, to take command of the American army, a few days after the battle of Bunker Hill, on the 17th June, 1775.

Although the English had been final victors at Bunker Hill, the American militia, behind their intrenchments, under Prescott, had repulsed twice their number of the best soldiers of Europe, and retired at last only for want of ammunition. Washington was far from being discouraged by the defeat. His question and comment show his feeling: "Did the militia fight? Then the liberties of the country are safe." It was his first aim to expel the enemy from Boston,

where they were practically surrounded by the hastily collected militia of New England, full of enthusiasm and confidence in the triumph of their cause. But these forces had been injudiciously placed; they were not properly intrenched; they were imperfectly supplied with arms, ammunition, military stores, uniforms, and everything necessary for an army. There was no commissary department, nor was any department provided with adequate resources. The soldiers were inexperienced, raw sons of farmers and mechanics, led by officers who knew but little of scientific warfare, and numbered less than fifteen thousand effective men. They were undisciplined and full of sectional jealousies, electing, for the most part, their own officers, who were too dependent upon their favor to enforce discipline.

Washington's first task, therefore, was to bring order out of confusion; to change the disposition of the forces; to have their positions adequately fortified; to effect military discipline, and subordination of men to their officers; to cultivate a large and general patriotism, which should override all distinctions between the Colonies. This work went on rapidly; but the lack of supplies became distressing. At the close of July the men had but nine rounds of ammunition each, and more was nowhere to be procured. It was necessary to send messengers into almost

every town to beg for powder, and there were few mills in the country to manufacture it.

As the winter approached a new trouble appeared. The brief enlistment terms of many of the men were expiring, and, wearied and discouraged, without proper food or clothing, these men withdrew from the army, and the regiments rapidly decreased in numbers. Recruiting and re-enlisting in the face of such conditions became almost impossible; yet Washington's steady persistence, his letters to Congress, his masterly hold on the siege of the British in Boston, his appeals for men and ammunition, were actually successful. His army was kept up by new and renewed material. Privateers, sent out by him upon the sea, secured valuable supplies. Henry Knox, a Boston bookseller, whom he had made colonel of artillery and despatched to New York and Ticonderoga, returned to the camps with heavy cannon and ammunition.

The right wing of the American army was stationed at Roxbury, under General Artemas Ward, and the left wing, under Major-General Charles Lee and Brigadier-Generals Greene and Sullivan, at Prospect Hill. The headquarters of Washington were in the centre, at Cambridge, with Generals Putnam and Heath. Lee was not allied with the great Virginia family of that name. He was an Englishman by

birth, somewhat of a military adventurer. Conceited, vain, and disobedient, he afterwards came near wrecking the cause which he had ambitiously embraced. Ward was a native of Massachusetts, a worthy man, but not distinguished for military capacity. Putnam was a gallant hero, taken from the plough, but more fitted to head small expeditions than for patient labor in siege operations, or for commanding a great body of troops.

Meanwhile the British troops, some fifteen thousand veterans, had remained inactive in Boston, under Sir William Howe, who had succeeded Gage, unwilling or unable to disperse the militia who surrounded them, or to prevent the fortification of point after point about the city by the Americans. It became difficult to get provisions. The land side was cut off by the American forces, and the supply-ships from the sea were often wrecked or captured by Washington's privateers. At length the British began to think of evacuating Boston and going to a more important point, since they had ships and the control of the harbor. No progress had been made thus far in the conquest of New England, for it was thought unwise to penetrate into the interior with the forces at command, against the army of Washington with a devoted population to furnish him provisions. Howe could undoubtedly have held the New England capital, but

it was not a great strategic point. What was it to occupy a city at the extreme end of the continent, when the British government expected to hear that the whole country was overrun? At last Washington felt strong enough to use his eight months' preparations for a sudden blow. He seized the heights commanding the city and his intention became evident. The active movements of the Americans towards an attack precipitated Howe's half-formed plan for evacuating the city, and in a single day he and his army sailed away, on March 17, 1776.

Washington made no effort to prevent the embarkation of the British troops, since it freed New England, not again to be the theatre of military operations during the war. It was something to deliver the most populous part of the country from English domination and drive a superior army out of Massachusetts. The wonder is that the disciplined troops under the British generals, with guns and ammunition and ships, should not have dispersed in a few weeks the foes they affected to despise. But Washington had fought the long battle of patience and sagacity until he was ready to strike. Then by one bold, sudden move he held the enemy at his mercy. Howe was out-generalled, and the American remained master of the field. Washington had accomplished his errand in New England. He received the thanks of the Congress,

and with his little army proceeded to New York, where matters urgently demanded attention.

To my mind the most encouraging part of the Revolutionary struggle, until the surrender of Burgoyne at Saratoga, was that period of eight months when the British were cooped up in Boston, surrounded by the Americans, who had plenty of provisions even if they were deficient in military stores; when the Yankees were stimulated to enthusiasm by every influence which could be brought to bear upon them by their families, at no great distance from the seat of war, and when no great calamity had as yet overtaken them.

But here everything like success for two years disappeared, and a gloomy cloud hung over the land, portentous of disasters and dismay. Evils thickened, entirely unexpected, which brought out what was greatest in the character and genius of Washington; for he now was the mainstay of hope. The first patriotic gush of enthusiasm had passed away. War, under the most favorable circumstances, is no play; but under great difficulties, has a dismal and rugged look before which delusions rapidly disappear. England was preparing new and much larger forces. She was vexed, but not discouraged, having unlimited resources for war, — money, credit, and military experience. She proceeded to hire the services of seven-

teen thousand Hessian and other German troops. All Europe looked upon the contest as hopeless on the part of a scattered population, without credit, or money, or military stores, or a settled army, or experienced generals, or a central power. Washington saw on every hand dissensions, jealousies, abortive attempts to raise men, a Congress without power and without prestige, State legislatures inefficient and timid, desertions without number and without redress, men returning to their farms either disgusted or feeling that there was no longer a pressing need of their services.

There were, moreover, jealousies among his generals, and suppressed hostility to him, as an aristocrat, a slaveholder, and an Episcopalian.

As soon as Boston was evacuated General Howe sailed for Halifax, to meet his brother, Admiral Howe, with reinforcements for New York. Washington divined his purpose and made all haste. When he reached New York, on the 13th of April, he found even greater difficulties to contend with than had annoyed him in Boston: raw troops, undisciplined and undrilled, a hostile Tory population, conspiracies to take his life, sectional jealousies, — and always a divided Congress, and the want of experienced generals. There was nothing of that inspiring enthusiasm which animated

the New England farmers after the battle of Bunker Hill.

Washington held New York, and the British fleet were masters of the Bay. He might have withdrawn his forces in safety, but so important a place could not be abandoned without a struggle. Therefore, although he had but eight thousand effective men, he fortified as well as he could the heights on Manhattan Island, to the north, and on Long Island, to the south and east, and held his place.

Meantime Washington was laboring to strengthen his army, to suppress the mischievous powers of the Tories, to procure the establishment by Congress of a War Office and some permanent army organization, to quiet jealousies among his troops, and to provide for their wants. In June, Sir William Howe arrived in New York harbor and landed forces on Staten Island, his brother the admiral being not far behind. News of disaster from a bold but futile expedition to Canada in the North, and of the coming from the South of Sir Henry Clinton, beaten off from Charleston, made the clouds thicken, when on July 2 the Congress resolved that "these United Colonies are, and of right ought to be, free and independent States," and on July 4 adopted the formal Declaration of Independence, — an immense relief to the heart and mind of Washington, and one which he joyfully proclaimed to his army.

Even then, however, and although his forces had been reinforced to fifteen thousand serviceable troops and five thousand of raw militia, there was reason to fear that the British, with their thirty-five thousand men and strong naval force, would surround and capture the whole American army. At last they did outflank the American forces on Long Island, and, pouring in upon them a vastly superior force, defeated them with great slaughter.

While the British waited at night for their ships to come up, Washington with admirable quickness seized the single chance of escape, and under cover of a fog withdrew his nine thousand men from Long Island and landed them in New York once more.

This retreat of Washington, when he was to all appearances in the power of the English generals, was masterly. In two short weeks thereafter the British had sent ships and troops up both the Hudson and East rivers, and New York was no longer tenable to Washington. He made his way up the Harlem River, where he was joined by Putnam, who also had contrived to escape with four thousand men, and strongly intrenched himself at King's Bridge.

Washington waited a few days at Harlem Plains planning a descent on Long Island, and resolved on making a desperate stand. Meanwhile Howe, in his ships, passed the forts on the Hudson and landed

at Throg's Neck, on the Sound, with a view of attacking the American intrenchments in the rear and cutting them off from New England. A brief delay on Howe's part enabled Washington to withdraw to a still stronger position on the hills; whereupon Howe retired to Dobbs' Ferry, unable to entrap with his larger forces the wary Washington, but having now the complete command of the lower Hudson.

There were, however, two strong fortresses on the Hudson which Congress was anxious to retain at any cost, a few miles above New York, — Fort Washington, on Manhattan Island, and Fort Lee, on the New Jersey side of the river. These forts Howe resolved to capture. The commander-in-chief was in favor of evacuating them, but Greene, who commanded at Fort Washington, thought he was strong enough to defend it. He made a noble defence, but was overwhelmed by vastly superior forces and was compelled to surrender it, with more than two thousand men. And, as Lord Cornwallis with six thousand men then crossed the Hudson, Washington rapidly retreated into New Jersey with a dispirited army, that included the little garrison of Fort Lee which had escaped in safety; and even this small army was fast becoming smaller, from expiring enlistments and other causes. General Lee, with a considerable division at North Castle, N. J., was ordered to rejoin his commander, but, apparently

from ambition for independent command, disobeyed the order. From that moment Washington distrusted Lee, who henceforth was his *bête noir*, who foiled his plans and was jealous of his ascendency. Lee's obstinacy was punished by his being overtaken and captured by the enemy.

Then followed a most gloomy period. We see Washington, with only the shadow of an army, compelled to retreat southward in New Jersey, hotly pursued by the well-equipped British, — almost a fugitive, like David fleeing from the hand of Saul. He dared not risk an engagement against greatly superior forces in pursuit, triumphant and confident of success, while his followers were half-clad, without shoes, hungry, homesick, and forlorn. So confident was Howe of crushing the only army opposed to him, that he neglected opportunities and made mistakes. At last the remnant of Lee's troops, commanded by Sullivan and Gates, joined Washington; but even with this reinforcement, giving him barely three thousand men, he could not face the enemy, more than double the number of his inexperienced soldiers. The only thing to do was to put the Delaware between himself and Howe's army. But it was already winter, and the Delaware was full of ice. Cornwallis, a general of great ability, felt sure that the dispirited men who still adhered to Washington could not possibly escape him; so he

lingered in his march, — a fatal confidence, for, when he arrived at the Delaware, Washington was already safely encamped on the opposite bank; nor could he pursue, since all the boats on the river for seventy miles were either destroyed or in the hands of Washington. This successful retreat from the Hudson over the Delaware was another exhibition of high military qualities, — caution, quick perception, and prompt action.

Washington had now the nucleus of an army and could not be dislodged by the enemy, whose force was only about double his own. Howe was apparently satisfied with driving the American forces out of New Jersey, and, retaining his hold at certain points, sent the bulk of his army back to New York.

The aim of Washington was now to expel the British troops from New Jersey. It was almost a forlorn hope, but he never despaired. His condition was not more hopeless than that of William the Silent when he encountered the overwhelming armies of Spain. Always beaten, the heroic Prince of Orange still held out when Holland was completely overrun. But the United States were not overrun. New England was practically safe, although the British held Newport; and all the country south of the Delaware was free from them. The perplexities and discouragements of Washington were great in-

deed, while he stubbornly held the field with a beggarly makeshift for an army and sturdily continued his appeals to Congress and to the country for men, arms, and clothing; yet only New York City and New Jersey were really in the possession of the enemy. It was one thing for England to occupy a few cities, and quite another to conquer a continent; hence Congress and the leaders of the rebellion never lost hope. So long as there were men left in peaceable possession of their farms from Maine to Georgia, and these men accustomed to fire-arms and resolved on freedom, there was no real cause of despair. The perplexing and discouraging things were that the men preferred the safety and comfort of their homes to the dangers and hardships of the camp, and that there was no money in the treasury to pay the troops, nor credit on which to raise it. Hence desertions, raggedness, discontent, suffering; but not despair, — even in the breast of Washington, who realized the difficulties as none else did. Men would not enlist unless they were paid and fed, clothed and properly armed. Had there been an overwhelming danger they probably would have rallied, as the Dutch did when they opened their dikes, or as the Greeks rallied in their late Revolution, when fortress after fortress fell into the hands of the Turks, and as the American militia did in successive localities threatened by the British, — notably in

New Hampshire, Vermont, and New York, when they swarmed about Burgoyne and captured him at Saratoga. But this was by no means the same as enlisting for a long period in a general army.

I mention these things, not to discredit the bravery and patriotism of the Revolutionary soldiers. They made noble sacrifices and they fought gallantly, but they did not rise above local patriotism and sustain the Continental cause. Yet at no time, even when Washington with his small army was flying before Cornwallis across New Jersey, were there grounds of despair. There were discouragements, difficulties, and vexations; and these could be traced chiefly to the want of a strong central government. The government was divided against itself, without money or credit, — in short, a mere advisory board of civilians, half the time opposed to the plans of the commander-in-chief. But when Washington had been driven beyond the Delaware, when Philadelphia, where Congress was sitting, was in danger, then dictatorial powers were virtually conferred on Washington, — "the most unlimited authority" was the phrase used, — and he had scope to act as he saw fit.

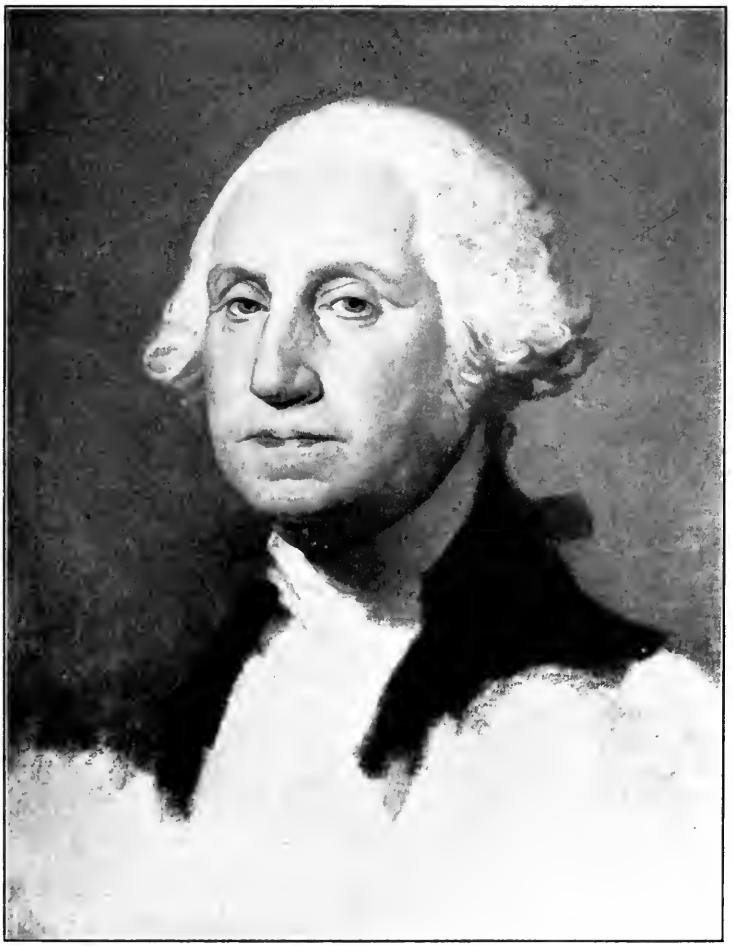
Washington was, it is true, at times accused of incompetency, and traitors slandered him, but Congress stood by him and the country had confidence in him; as well it might, since, while he had not gained great

victories, and even perhaps had made military mistakes, he had delivered Boston, had rescued the remnant of his army from the clutches of Howe and Cornwallis, and had devoted himself by day and night to labors which should never have been demanded of him, in keeping Congress up to the mark, as well as in his arduous duties in the field, — evincing great prudence, sagacity, watchfulness, and energy. He had proved himself at least to be a Fabius, if he was not a Hannibal. But a Hannibal is not possible without an army, and a steady-handed Fabius was the need of the times. The Cæsars of the world are few, and most of them have been unfaithful to their trust, but no one doubted the integrity and patriotism of Washington. Rival generals may have disliked his austere dignity and proud self-consciousness, but the people and the soldiers adored him; and while his general policy was, and had to be, a defensive one, everybody knew that he would fight if he had any hope of success. No one in the army was braver than he, as proved not only by his early warfare against the French and Indians, but also by his whole career after he was selected for the chief command, whenever a fair fighting opportunity was presented, as seen in the following instance.

With his small army on the right bank of the Delaware, toilsomely increased to about four thousand

men, he now meditated offensive operations against the unsuspecting British, who had but just chased him out of New Jersey. Accordingly, with unexpected audacity, on Christmas night he recrossed the Delaware, marched nine miles and attacked the British troops posted at Trenton. It was not a formal battle, but a raid, and proved successful. The enemy, amazed, retreated; then with fresh reinforcements they turned upon Washington; he evaded them, and on January 3, 1777, made a fierce attack on their lines at Princeton, attended with the same success, utterly routing the British. These were small victories, but they encouraged the troops, aroused the New Jersey men to enthusiasm, and alarmed Cornwallis, who retreated northward to New Brunswick, to save his military stores. In a few days the English retained only that town, Amboy, and Paulus Hook, in all New Jersey. Thus in three weeks, in the midst of winter, Washington had won two fights, taken two thousand prisoners, and was as strong as he was before he crossed the Hudson, — and the winter of 1777 opened with hope in the Revolutionary ranks.

Washington then intrenched himself at Morristown and watched the forces of the English generals; and for six months nothing of consequence was done by either side. It became evident that Washington could not be conquered except by large reinforcements



From the painting by Gilbert Stuart

GEORGE WASHINGTON

to the army of Howe. Another campaign was a necessity, to the disgust and humiliation of the British government and the wrath of George III. The Declaration of Independence, thus far, had not proved mere rhetoric.

The expulsion of the British troops from New Jersey by inferior forces was regarded in Europe as a great achievement, and enabled Franklin at Paris to secure substantial but at first secret aid from the French Government. National independence now seemed to be a probability, and perhaps a certainty. It was undoubtedly a great encouragement to the struggling States. The more foresighted of British statesmen saw now the hopelessness of a conflict which had lasted nearly two years, and in which nothing more substantial had been gained by the English generals than the occupation of New York and a few towns on the coast, while the Americans had gained military experience and considerable prestige. The whole civilized world pronounced Washington to be both a hero and a patriot.

But the English government, with singular obstinacy, under the lash of George III., resolved to make renewed efforts, to send to America all the forces which could be raised, at a vast expense, and to plan a campaign which should bring the rebels to obedience. The plan was to send an army by way of Canada to

take the fortresses on Lake Champlain, and then to descend the Hudson, and co-operate with Howe in cutting off New England from the rest of the country; in fact, dividing the land in twain, — a plan seemingly feasible. It would be possible to conquer each section, east and south of New York, in detail, with victorious and overwhelming forces. This was the great danger that menaced the States and caused the deepest solicitude.

So soon as the designs of the British government were known, it became the aim and duty of the commander-in-chief to guard against them. The military preparations of Congress were utterly inadequate for the crisis, in spite of the constant and urgent expostulations of Washington. There was, as yet, no regular army, and the militia shamefully deserted. There was even a prejudice against a standing army, and the militia of every State were jealous of the militia of other States. Congress passed resolutions, and a large force was created on paper. Popular enthusiasm was passing away in the absence of immediate dangers; so that, despite the glorious success in New Jersey, the winter of 1777 was passed gloomily, and in the spring new perils arose. But for the negligence of General Howe, the well-planned British expedition from the North might have succeeded. It was under the command of an able and experienced

veteran, General Burgoyne. There was apparently nothing to prevent the junction of the forces of Howe and Burgoyne but the fortress of West Point, which commanded the Hudson River. To oppose this movement Benedict Arnold — "the bravest of the brave," as he was called, like Marshal Ney — was selected, assisted by General Schuyler, a high-minded gentleman and patriot, but as a soldier more respectable than able, and Horatio Gates, a soldier of fortune, who was jealous of Washington, and who, like Lee, made great pretensions, — both Englishmen by birth. The spring and summer resulted in many reverses in the North, where Schuyler was unable to cope with Burgoyne; and had Howe promptly co-operated, that campaign would have been a great triumph for the British.

It was the object of Howe to deceive Washington, if possible, and hence he sent a large part of his army on board the fleet at New York, under the command of Cornwallis, as if Boston were his destination. He intended, however, to capture Philadelphia, the seat of the "rebel Congress," with his main force, while other troops were to co-operate with Burgoyne. Washington, divining the intentions of Howe, with his ragged army crossed the Delaware once more, at the end of July, this time to protect Philadelphia, leaving Arnold and Schuyler to watch Burgoyne, and

Putnam to defend the Hudson. When, late in August, Howe landed his forces below Philadelphia, Washington made up his mind to risk a battle, and chose a good position on the heights near the Brandywine; but in the engagement of September 11 was defeated, through the negligence of Sullivan to guard the fords above against the overwhelming forces of Cornwallis, who was in immediate command. Still, he rallied his army with the view of fighting again. The battle of Germantown, October 4, resulted in American defeat and the occupation by the British of Philadelphia, — a place desirable only for comfortable winter quarters. When Franklin heard of it he coolly remarked that the British had not taken Philadelphia, but Philadelphia had taken them, since seventeen thousand veterans were here kept out of the field, when they were needed most on the banks of the Hudson, to join Burgoyne, now on his way to Lake Champlain.

This diversion of the main army of Howe to occupy Philadelphia was the great British blunder of the war. It enabled the Vermont and New Hampshire militia to throw obstacles in the march of Burgoyne, who became entangled in the forests of northern New York, with his flank and rear exposed to the sharpshooters of the enemy, fully alive to the dangers which menaced them. Sluggish as they were, and

averse to enlistment, the New England troops always rallied when pressing necessity stared them in the face, and fought with tenacious courage. Although Burgoyne had taken Ticonderoga, on Lake Champlain, as was to be expected, he was, after a most trying campaign, at last surrounded at Saratoga, and on October 17 was compelled to surrender to the militia he despised. It was not the generalship of the American commander which led to this crushing disaster, but the obstacles of nature, utilized by the hardy American volunteers. Gates, who had superseded Schuyler in the command of the Northern department, claimed the chief merit of the capture of the British army, nearly ten thousand strong; but this claim is now generally disputed, and the success of the campaign is ascribed to Arnold, while that of the final fighting and success is given to Arnold together with Morgan and his Virginia riflemen, whom Washington had sent from his own small force.

The moral and political effect of the surrender of Burgoyne was greater than the military result. The independence of the United States was now assured, not only in the minds of American statesmen, but to European intelligence. The French Government then openly came out with its promised aid, and money was more easily raised.

The influence of Washington in securing the capture of Burgoyne was indirect, although the general plan of campaign and the arousing of the Northern militia had been outlined by him to General Schuyler. He had his hands full in watching Howe's forces at Philadelphia. His defeat at Germantown, the result of accident which he could not prevent, compelled him to retreat to Valley Forge, on the Schuylkill, about nine miles from Philadelphia. There he took up his quarters in the winter of 1777–78. The sufferings of the army in that distressing winter are among the best-known events of the whole war. At Valley Forge the trials of Washington culminated. His army was reduced to three thousand men, incapable of offensive operations, without suitable clothing, food, or shelter.

"As the poor soldiers," says Fiske, in his brilliant history, "marched on the 17th of December to their winter quarters, the route could be traced on the snow by the blood which oozed from bare, frost-bitten feet. For want of blankets many were fain to sit up all night by fires. Cold and hunger daily added to the sick list, and men died for want of straw to put between them and the frozen ground."

Gates, instead of marching to the relief of Washington before Philadelphia, as he was ordered, kept his victorious troops idle at Saratoga; and it was only by the extraordinary tact of Alexander Hamilton, the

youthful aide, secretary, and counsellor of Washington, who had been sent North for the purpose, that the return of Morgan with his Virginia riflemen was secured. Congress was shaken by the intrigues of Gates, who sought to supplant the commander-in-chief, and who had won to his support both Morgan and Richard Henry Lee.

At this crisis, Baron Steuben, a Prussian officer who had served under Frederic the Great, arrived at the headquarters of Washington. Some say that he was a mere martinet, but he was exceedingly useful in drilling the American troops, working from morning till night, both patient and laborious. From that time Washington had regular troops, on which he could rely, few in number, but loyal and true. La Fayette also was present in his camp, chivalrous and magnanimous, rendering efficient aid; and there too was Nathaniel Greene of Rhode Island, who had made but one great mistake in his military career, the most able of Washington's generals. With the aid of these trusted lieutenants, Washington was able to keep his little army together, as the nucleus of a greater one, and wait for opportunities, for he loved to fight when he saw a chance of success.

And now it may be said that the desertions which had crippled Washington, the reluctance to enlist on the part of the farmers, and the tardy response to his

calls for money, probably were owing to the general sense of security after the surrender of Burgoyne. It was felt that the cause of liberty was already won. With this feeling men were slow to enlist when they were not sure of their pay, and it was at this period that money was most difficult to be raised. Had there been a strong central government, and not a mere league of States, some Moses would have "smitten the rock of finance," as Hamilton subsequently did, and Chase in the war of the Southern Rebellion, and abundant streams would have gushed forth in the shape of national bonds, certain to be redeemed, sooner or later, in solid gold and silver, and which could have been readily negotiated by the leading bankers of the world. The real difficulty with which Congress and Washington had to contend was a financial one. There were men enough to enlist in the army if they had been promptly paid. Yet, on the other hand, England, with ample means and lavish promises, was able to induce only about three thousand Tories out of all the American population to enlist in her armies in America during the whole war.

By patience unparalleled and efforts unceasing, Washington slowly wrought upon Congress to sustain him in building up a "Continental" army, in place of the shifting bodies of militia. With Steuben as

inspector-general and Greene as quartermaster, the new levies as they came in were disciplined and equipped; and in spite of the conspiracies and cabals formed against him by ambitious subordinates, — which enlisted the aid of many influential men even in Congress, but which came to nought before the solid character and steady front of the man who was really carrying the whole war upon his own shoulders, — Washington emerged from the frightful winter at Valley Forge and entered the spring of 1778 with greater resources at his command than he had ever had before.

In January, 1778, France acknowledged the independence of the United States of America and entered into treaty with them. In the spring Sir William Howe resigned, and Sir Henry Clinton succeeded him in command. After wintering in Philadelphia, the British commander discovered that he could do nothing with his troops shut up in a luxurious city, while Washington was watching him in a strongly intrenched position a few miles distant, and with constantly increasing forces now trained to war; and moreover, a French fleet with reinforcements was now looked for. So he evacuated the Quaker City on the 18th of June, 1778, and began his march to New York, followed by Washington with an army now equal to his own. On the 28th of June Cornwallis

was encamped near Monmouth, N. J., where was fought the most brilliant battle of the war, which Washington nearly lost, nevertheless, by the disobedience of Lee, his second in command, at a critical moment. Boiling with rage, the commander-in-chief rode up to Lee and demanded why he had disobeyed orders. Then, it is said, with a tremendous oath he sent the marplot to the rear, and Lee's military career ignominiously ended. Four years after, this military adventurer, who had given so much trouble, died in a mean tavern in Philadelphia, disgraced, unpitied, and forlorn.

The battle of Monmouth did not prevent the orderly retreat of the British to New York, when Washington resumed his old post at White Plains, east of the Hudson in Westchester County, whence he had some hopes of moving on New York, with the aid of the French fleet under the Count d'Estaing. But the big French ships could not cross the bar, so the fleet sailed for Newport with a view of recapturing that town and repossessing Rhode Island. Washington sent Greene and La Fayette thither with reinforcements for Sullivan, who was in command. The enterprise failed from an unexpected storm in November, which compelled the French admiral to sail to Boston to refit, after which he proceeded to the West Indies. It would appear that the French, thus far, sought to

embarrass the English rather than to assist the Americans. The only good that resulted from the appearance of D'Estaing at Newport was the withdrawal of the British troops to New York.

It is singular that the positions of the opposing armies were very much as they had been two years before. The headquarters of Washington were at White Plains, on the Hudson, and those of Clinton at New York, commanding the harbor and the neighboring heights. Neither army was strong enough for offensive operations with any reasonable hope of success, and the commanding generals seem to have acted on the maxim that "discretion is the better part of valor." Both armies had been strongly reinforced, and the opposing generals did little else than fortify their positions and watch each other. A year passed in virtual inaction on both sides, except that the British carried on a series of devastating predatory raids in New England along the coast of Long Island Sound, in New York State (with the savage aid of the Indians), in New Jersey, and in the South, — there making a more formal movement and seizing the coast of Georgia and South Carolina. No battles of any account were fought. There was some skirmishing, but no important military movements were made on either side. Washington, in December, 1778, removed his headquarters to Middlebrook, N. J.,

his forces being distributed in a series of camps from the Delaware north and east to Rhode Island. The winter he passed in patient vigilance; he wrote expostulating letters to Congress, and even went personally to Philadelphia to labor with its members. Meanwhile Clinton was taking his ease, to the disgust of the British government.

There was a cavilling, criticising spirit among the different parties in America; for there were many who did not comprehend the situation, and who were disappointed that nothing decisive was done. Washington was infinitely annoyed at the stream of detraction which flowed from discontented officers, and civilians in power, but held his soul in patience, rarely taking any notice of the innumerable slanders and hostile insinuations. He held together his army, now chiefly composed of veterans, and nearly as numerous as the troops of the enemy. One thing he saw clearly,— that the maintenance of an army in the field, held together by discipline, was of more importance, from a military point of view, than the occupation of a large city or annoying raids of destruction. While he was well intrenched in a strong position, and therefore safe, the British had the command of the Hudson, and ships-of-war could ascend the river unmolested as far as West Point, which was still held by the Americans and was impregnable. Outside of New

York the British did not possess a strong fortress in the country, at least in the interior, except on Lake Champlain, — not one in New England. West Point, therefore, was a great eyesore to the English generals and admirals. Its possession would be of incalculable advantage in case any expedition was sent to the North.

And the enemy came very near getting possession of this important fortress, not by force, but by treachery. Benedict Arnold, disappointed in his military prospects, alienated from his cause, overwhelmed with debts, and utterly discontented and demoralized, had asked to be ordered from Philadelphia and put in command of West Point. He was sent there in August, 1780. He was a capable and brave man; he had the confidence of Washington, in spite of his defects of character, and moreover he had rendered important services. In an evil hour he lost his head and listened to the voice of the tempter, and having succeeded in getting himself put in charge of the stronghold of the Hudson, he secretly negotiated with Clinton for its surrender.

Everybody is familiar with the details of that infamy, which is inexplicable on any other ground than partial insanity. No matter what may be said in extenuation, Arnold committed the greatest crime known to civilized nations. He contrived to escape

the just doom which awaited him, and, from having become traitor, even proceeded to enter the active service of the enemy and to raise his hand against the country which, but for these crimes, would have held him in honorable remembrance. The heart of English-speaking nations has ever been moved to compassion for the unfortunate fate of the messenger who conducted the treasonable correspondence between Arnold and Clinton, — one of the most accomplished officers in the British army, Major André. No influence — not even his deeply moved sympathy — could induce Washington to interfere with the decision of the court-martial that André should be hanged as a spy, so dangerous did the commander deem the attempted treachery. The English have erected to the unfortunate officer a monument in Westminster Abbey.

The contemplated surrender of West Point to the enemy suggests the demoralization which the war had already produced, and which was deplored by no one more bitterly than by Washington himself. "If I were called upon," he writes, "to draw a picture of the times and of men, from what I have seen, heard, and in part know, I should in one word say that idleness, dissipation, and extravagance seem to have laid fast hold of most of them; that speculation, peculation, and an insatiable thirst for riches

seem to have got the better of every other consideration . . .; that party disputes and personal quarrels are the great business of the day; whilst the momentous concerns of an empire, an accumulating debt, ruined finances, depreciated money, and want of credit . . . are but secondary considerations."

All war produces naturally and logically this demoralization, especially in countries under a republican government. Profanity, drunkenness, and general recklessness as to money matters were everywhere prevailing vices; and this demoralization was, in the eyes of Washington, more to be dreaded than any external dangers that had thus far caused alarm and distress. "I have," wrote he, "seen without despondency even for a moment, the hours which America has styled her gloomy ones; but I have beheld no day since the commencement of hostilities that I have thought her liberties were in such imminent danger as at present."

"He had faced," says Henry Cabot Lodge, in his interesting life of Washington, "the enemy, the bleak winters, raw soldiers, and all the difficulties of impecunious government, with a cheerful courage that never failed. But the spectacle of wide-spread popular demoralization, of selfish scramble for plunder, and of feeble administration at the centre of government, weighed upon him heavily." And all this at

the period of the French alliance, which it was thought would soon end the war. Indeed, hostilities were practically over at the North, and hence the public lassitude. Nearly two years had passed without an important battle.

When Clinton saw that no hope remained of subduing the Americans, the British government should have made peace and recognized the independence of the States. But the obstinacy of the king of England was phenomenal, and his ministers were infatuated. They could not reconcile themselves to the greatness of their loss. Their hatred of the rebels was too bitter for reason to conquer. Hitherto the contest had not been bloody nor cruel. Few atrocities had been committed, except by the rancorous Tories, who slaughtered and burned without pity, and by the Indians who were paid by the British government. Prisoners, on the whole, had been humanely treated by both the contending armies, although the British prison-ships of New York and their "thousand martyrs" have left a dark shadow on the annals of the time. Neither in Boston nor New York nor Philadelphia had the inhabitants uttered loud complaints against the soldiers who had successively occupied their houses, and who had lived as comfortably and peaceably as soldiers in English garrison towns. Some villages had been burned, but few people had been

massacred. More inhumanity was exhibited by both Greeks and Turks in the Greek Revolution in one month than by the forces engaged during the whole American war. The prime minister of England, Lord North, was the most amiable and gentle of men. The brothers Howe would fain have carried the olive-branch in one hand while they bore arms in the other. It seemed to be the policy of England to do nothing which would inflame animosities, and prevent the speedy restoration of peace. Spies of course were hanged, and traitors were shot, in accordance with the uniform rules of war. I do not read of a bloodthirsty English general in the whole course of the war, like those Russian generals who overwhelmed the Poles; nor did the English generals seem to be really in earnest, or they would have been bolder in their operations, and would not have been contented to be shut up for two years in New York when they were not besieged.

At length Clinton saw he must do something to satisfy the government at home, and the government felt that a severer policy should be introduced into warlike operations. Clinton perceived that he could not penetrate into New England, even if he could occupy the maritime cities. He could not ascend the Hudson. He could not retain New Jersey. But the South was open to his armies, and had not been seriously invaded.

As Washington personally was not engaged in the military operations at the South, I can make only a passing allusion to them. It is not my object to write a history of the war, but merely to sketch it so far as Washington was directly concerned. The South was left, in the main, to defend itself against the raids which the British generals made in its defenceless territories, and these were destructive and cruel. But Gates was sent to cope with Cornwallis and Tarleton. Washington himself could not leave his position near New York, as he had to watch Clinton, defend the Hudson, and make journeys to Philadelphia to urge Congress to more vigorous measures. Congress, however, was helpless and the State governments were inactive.

In the meantime, early in May, 1780, Charleston, S. C., was abandoned to the enemy, — General Lincoln, who commanded, finding it indefensible. In September the news came North of the battle of Camden and the defeat of Gates, who showed an incompetency equal to his self-sufficiency, and Congress was obliged to remove him. Through Washington's influence, in December, 1780, Greene was appointed to succeed him; had the chief's advice been followed earlier he would have been sent originally instead of Gates. Greene turned the tide, and began those masterly operations which led to the final expulsion of the

English from the South, and, under the guiding mind and firm hand of Washington, to the surrender of Cornwallis.

On January 17, 1781, Morgan won a brilliant victory at Cowpens, S. C., which seriously embarrassed Cornwallis; and then succeeded a vigorous campaign between Cornwallis and Greene for several months, over the Carolinas and the borders of Virginia. The losses of the British were so great, even when they had the advantage, that Cornwallis turned his face to the North, with a view of transferring the seat of war to Chesapeake Bay. Washington then sent all the troops he could spare to Virginia, under La Fayette. He was further aided by the French fleet, under De Grasse, whom he persuaded to sail to the Chesapeake. La Fayette here did good service, following closely the retreating army. Clinton failed to reinforce Cornwallis, some say from jealousy, so that the latter felt obliged to fortify himself at Yorktown. Washington, who had been planning an attack on New York, now continued his apparent preparations, to deceive Clinton, but crossed the Hudson on the 23d of August, to co-operate with the French fleet and three thousand French troops in Virginia, to support La Fayette. He rapidly moved his available force by swift marches across New Jersey to Elkton, Maryland, at the head of Chesapeake Bay. The

Northern troops were brought down the Chesapeake in transports, gathered by great exertions, and on September 28 landed at Williamsburg, on the Yorktown Peninsula. Cornwallis was now hemmed in by the combined French and American armies. Had he possessed the control of the sea he might have escaped, but as the fleet commanded the Chesapeake this was impossible. He had well fortified himself, however, and on the 5th of October the siege of Yorktown began, followed on the 14th by an assault. On the 19th of October, 1781, Cornwallis was compelled to surrender, with seven thousand troops. The besieging army numbered about five thousand French and eleven thousand Americans. The success of Washington was owing to the rapidity of his movements, and the influence which, with La Fayette, he brought to bear for the retention at this critical time and place of the fleet of the Count de Grasse, who was disposed to sail to the West Indies, as D'Estaing had done the year before. Washington's keen perception of the military situation, energetic promptness of action, and his diplomatic tact and address in this whole affair were remarkable.

The surrender of Cornwallis virtually closed the war. The swift concentration of forces from North and South was due to Washington's foresight and splendid energy, while its success was mainly due to

the French, without whose aid the campaign could not have been concluded.

The moral and political effect of this "crowning mercy" was prodigious. In England it broke up the ministry of Lord North, and made the English nation eager for peace, although it was a year or two before hostilities ceased, and it was not until September 3, 1783, that the treaty was signed which Franklin, Adams, and Jay had so adroitly negotiated. The English king would have continued the contest against all hope, encouraged by the possession of New York and Charleston, but his personal government practically ceased with the acknowledgment of American independence.

The trials of Washington, however, did not end with the great victory at Yorktown. There was a serious mutiny in the army which required all his tact to quell, arising from the neglect of Congress to pay the troops. There was greater looseness of morals throughout the country than has been generally dreamed of. I apprehend that farmers and mechanics were more profane, and drank, *per capita*, more cider and rum for twenty years succeeding the war than at any other period in our history. It was then that it was intimated to Washington, in a letter from his friend Colonel Louis Nicola, that the state of the country and the impotence of Congress

made it desirable that he should seize the government, and, supported by the army, turn all the confusion into order, — which probably would have been easy for him to do, and which would have been justified by most historical writers. But Washington repelled the idea with indignation, both for himself and the army; and not only on this occasion but on others when disaffection was rife, he utilized his own popularity to arouse anew the loyalty of the sorely tried patriots, his companions in arms. Many are the precedents of usurpation on the part of successful generals, and few indeed are those who have voluntarily abdicated power from lofty and patriotic motives. It was this virtual abdication which made so profound an impression on the European world, — even more profound than was created by the military skill which Washington displayed in the long war of seven years. It was a rare instance of magnanimity and absence of ambition which was not without its influence on the destinies of America, making it almost impossible for any future general to retain power after his work was done, and setting a proud and unique example of the superiority of moral excellence over genius and power.

Washington is venerated not so much for his military genius and success in bringing the war to a triumphant conclusion, as for his patriotism and dis-

interestedness, since such moral worth as his is much rarer and more extraordinary than military fame, Fortunately, his devotion to the ultimate welfare of the country, universally conceded, was supreme wisdom on his part, not only for the land he loved but for himself, and has given him a name which is above every other name in the history of modern times. He was tested, and he turned from the temptation with abhorrence. He might, and he might not, have succeeded in retaining supreme power, — the culmination of human ambition; but he neither sought nor desired it. It was reward enough for him to have the consciousness of virtue, and enjoy the gratitude of his countrymen.

Washington at last persuaded Congress to do justice to the officers and men who had sacrificed so much for their country's independence; in spite of the probability of peace, he was tireless in continuing preparations for effective war. He was of great service to Congress in arranging for the disbandment of the army after the preliminary treaty of peace in March, 1783, and guided by wise counsel the earlier legislation affecting civil matters in the States and on the frontiers. The general army was disbanded November 3; on November 25 the British evacuated New York and the American authorities took possession; on December 4 Washington bade farewell to his assem-

bled officers, and on the 23d he resigned his commission to Congress, — a patriotic and memorable scene. And then he turned to the placidities of domestic life in his home at Mount Vernon.

But this life and this home, so dear to his heart, it was not long permitted him to enjoy. On the formation and adoption of the Federal Constitution, in 1789, he was unanimously chosen to be the first president of the United States.

In a preceding lecture I have already presented the brilliant constellation of statesmen who assembled at Philadelphia to construct the fabric of American liberties. Washington was one of them, but this great work was not even largely his. On June 8, 1783, he had addressed a letter to the governors of all the States, concerning the essential elements of the well-being of the United States, which showed the early, careful, and sound thought he had given to the matter of what he termed "an indissoluable union of the States under one Federal head." But he was not a great talker, or a great writer, or a pre-eminently great political genius. He was a general and administrator rather than an original constructive statesman whose work involved a profound knowledge of law and history. No one man could have done that work; it was the result of the collected wisdom and experience of the nation, — of the

deliberations of the foremost intellects from the different States, — such men as Hamilton, Madison, Wilson, Rutledge, Dickinson, Ellsworth, and others. Jefferson and Adams were absent on diplomatic missions. Franklin was old and gouty. Even Washton did little more than preside over the convention; but he stimulated its members, with imposing dignity and the constant exercise of his pre-eminent personal influence, to union and conciliation.

So I turn to consider the administrations of President Washington, the policy of which, in the main, was the rule of the succeeding presidents, — of Adams and "the Virginia dynasty."

The cabinet which he selected was able and illustrious; especially so were its brightest stars, — Jefferson as Secretary of State, and Hamilton as Secretary of the Treasury, to whose opinions the President generally yielded. It was unfortunate that these two great men liked each other so little, and were so jealous of each other's ascendency. But their political ideas diverged in many important points. Hamilton was the champion of Federalism, and Jefferson of States' Rights; the one, politically, was an aristocrat, and the other, though born on a plantation, was a democrat. Washington had to use all his tact to keep these statesmen from an open rupture. Their mutual hostility saddened and perplexed him. He had selected them as the best

men for their respective posts, and in this had made no mistake; but their opposing opinions prevented that cabinet unity so essential in government, and possibly crippled Washington himself. This great country has produced no administration comprising four greater men than President Washington, the general who had led its armies in a desperate war; Vice-President John Adams, the orator who most eloquently defined national rights; Jefferson, the diplomatist who managed foreign relations on the basis of perpetual peace; and Hamilton, the financier who "struck the rock from which flowed the abundant streams of national credit." General Knox, Secretary of War, had not the intellectual calibre of Hamilton and Jefferson, but had proved himself an able soldier and was devoted to his chief. Edmund Randolph, the Attorney-General, was a leading lawyer in Virginia, and belonged to one of its prominent families.

Outside the cabinet, the judiciary had to be filled, and Washington made choice of John Jay as chief-justice of the Supreme Court, — a most admirable appointment, — and associated with him the great lawyers, Wilson of Pennsylvania, Cushing of Massachusetts, Blair of Virginia, Iredell of North Carolina, and Rutledge of South Carolina, — all of whom were distinguished, and all selected for their abilities, without regard to their political opinions.

It is singular that, as this country has advanced in culture and population, the men who have occupied the highest positions have been inferior in genius and fame, — selected, not because they were great, but because they were "available," that is, because they had few enemies, and were supposed to be willing to become the tools of ambitious and scheming politicians, intriguing for party interests and greedy for the spoils of office. Fortunately, or providentially, some of these men have disappointed those who elevated them, and have unexpectedly developed in office both uncommon executive power and still rarer integrity, — reminding us of those popes who have reigned more like foxes and lions than like the asses that before their elevation sometimes they were thought to be.

Trifling as it may seem, the first measure of the new government pertained to the etiquette to be observed at receptions, dinners, etc., in which there was more pomp and ceremony than at the present time. Washington himself made a greater public display, with his chariot and four, than any succeeding president. His receptions were stately. The President stood with dignity, clad in his velvet coat, never shaking hands with any one, however high his rank. He walked between the rows of visitors, pretty much as Napoleon did at the Tuileries, saying a few

words to each; but people of station were more stately and aristocratic in those times than at the present day, even in New England towns. Washington himself was an old-school gentleman of the most formal sort, and, although benevolent in aspect and kindly in manner, was more tenacious of his dignity than great men usually are. This had been notable throughout the war. His most intimate friends and daily associates, his most prominent and trusted generals, patriotic but hot-headed complainants, turbulent malcontents, — all alike found him courteous and considerate, yet hedged about with an impassive dignity that no one ever dared to violate. A superb horseman, a powerful and active swordsman, an unfailing marksman with rifle or pistol, he never made a display of these qualities; but there are many anecdotes of such prowess in sudden emergencies as caused him to be idolized by his companions in arms, while yet their manifestations of feeling were repressed by the veneration imposed upon all by his lofty personal dignity.

Thus also as President. It was no new access of official pomposity, but the man's natural bearing, that maintained a lofty reserve at these public receptions. Possibly, too, he may have felt the necessity of maintaining the prerogative of the Federal head of all these independent, but now united, States. Hence, on his visit to Boston, soon after his inauguration, he was

offended with John Hancock, then governor of Massachusetts, for neglecting to call on him, as etiquette certainly demanded. The pompous, overrated old merchant, rich and luxurious, though a genuine patriot, perhaps thought that Washington would first call on him, as governor of the State; perhaps he was withheld from his official duty by an attack of the gout; but at last he saw the necessity, and was borne on men's shoulders into the presence of the President.

In considering the vital points in the administration of Washington the reader will not expect to find any of the spirited and exciting elements of the Revolutionary period. The organization and ordering of governmental policies is not romantic, but hard, patient, persevering work. All questions were yet unsettled, — at least in domestic matters, such as finance, tariffs, and revenue. One thing is clear enough, that the national debt and the State debts and the foreign debt altogether amounted to about seventy-five million dollars, the interest on which was unpaid by reason of a depleted treasury and want of credit, which produced great financial embarrassments. Then there were grave Indian hostilities demanding a large military force to suppress them, and there was no money to pay the troops. And when Congress finally agreed, in the face of great opposition, to adopt the plans of Hamilton and raise a revenue

by excise on distilled spirits, manufactured chiefly in Pennsylvania, there was a rebellion among the stubborn and warlike Scotch-Irish, who were the principal distillers of whiskey, which required the whole force of the government to put down.

In the matter of revenue, involving the most important of all the problems to be solved, Washington adopted the views of Hamilton, and contented himself with recommending them to Congress, — a body utterly inexperienced, and ignorant of the principles of political economy. Nothing was so unpopular as taxation in any form, and yet without it the government could not be carried on. The Southern States wanted an unrestricted commerce, amounting to "free trade," that they might get all manufactured articles at the smallest possible price; and these came chiefly from abroad. All import duties were an abomination to them, and yet without these a national revenue could not be raised. It is true that Washington had recommended the encouragement of domestic manufactures, the dependdence of country on foreigners for nearly all supplies having been one of the chief difficulties of the war, but the great idea of "protection" had not become a mooted point in national legislation.

Hamilton had further proposed a bank, but this also met with great opposition in Congress among the anti-Federalists and the partisans of Jefferson, fearful

and jealous of a moneyed power. In the end the measures which Hamilton suggested were generally adopted, and the good results were beginning to be seen, but the financial position of the country for several years after the formation of the Federal government was embarrassing, if not alarming.

Again, there was no national capital, and Congress, which had begun its labors in New York, could not agree upon the site, which was finally adopted only by a sort of compromise, — the South accepting the financial scheme of Hamilton if the capital should be located in Southern territory. All the great national issues pertaining to domestic legislation were in embryo, and no settled policy was possible amid so many sectional jealousies.

It was no small task for Washington to steer the ship of state among these breakers. No other man in the nation could have done so well as he, for he was conciliatory and patient, ever ready to listen to reason and get light from any quarter, modest in his recommendations, knowing well that his training had not been in the schools of political economy. His good sense and sterling character enabled him to surmount the difficulties of his situation, which was anything but a bed of roses.

In the infancy of the republic the foreign relations of the government were deemed more important and

excited more interest than internal affairs, and in the management of foreign affairs Jefferson displayed great abilities, which Washington appreciated as much as he did the financial genius of Hamilton. In one thing the President and his Secretary of State were in full accord, — in keeping aloof from the labyrinth of European politics, and maintaining friendly intercourse with all nations. With a peace policy only would commerce thrive and industries be developed. Both Washington and Jefferson were broad-minded enough to see the future greatness of the country, and embraced the most liberal views. Hence the foreign envoys were quietly given to understand that the members of the American government were to be treated with the respect due to the representatives of a free and constantly expanding country, which in time would be as powerful as either England or France.

It was seen, moreover, that both France and England would take every possible advantage of the new republic, and would seek to retain a foothold in the unexplored territories of the Northwest, as well as to gain all they could in commercial transactions. England especially sought to hamper our trade with the West India Islands, and treated our envoys with insolence and coldness. The French sought to entangle the United States in their own revolution, with which most Americans sympathized until its atrocities filled

them with horror and disgust. The English impressed American seamen into their naval service without a shadow of justice or good faith.

In 1795 Jay succeeded in making a treaty with the English government, which was ratified because it was the best he could get, not because it was all that he wished. It bore hard on the cities of the Atlantic coast that had commercial dealings with the West India Islands, and led to popular discontent, and bitter animosity towards England, finally culminating in the war of 1812. The French were equally irritating, and unreasonable in their expectations. The Directory in 1793 sent an arrogant and insulting envoy to the seat of government. "Citizen Genet," as he was called, tried to engage the United States in the French war against England. Although Washington promptly proclaimed neutrality as the American policy, Genet gave no end of trouble and vexation. This upstart paid no attention to the laws, no respect to the constituted authorities, insulted governors and cabinet-ministers alike, insisted on dealing with Congress directly instead of through the Secretary of State, issued letters of marque for privateers against English commerce, and defied the government. He did all that he could to embroil the country in war with Great Britain; and there was a marked division of sentiment among

the people, — the new Democratic-Republican societies, in imitation of the French Jacobin clubs, being potent disseminators of democratic doctrine and sympathy with the French uprising against despotism. The forbearance of Washington, in suffering the irascible and boastful Genet to ride rough-shod over his own cabinet, was extraordinary. In ordinary times the man would have been summarily expelled from the country. At last his insults could no longer be endured and his recall was demanded; but he did not return to France, and, strange to say, settled down as a peaceful citizen in New York. The lenient treatment of this insulting foreigner arose from the reluctance of Washington to loosen the ties which bound the country to France, and from gratitude for the services she had rendered in the war, whatever may have been the motives that had influenced that government to yield assistance.

Washington, who had consented in 1794 to serve a second term as president, now began to weary of the cares of office. The quarrel between Hamilton and Jefferson, leading to the formation of the two great political parties which, under different names, have since divided the nation; the whiskey rebellion in Pennsylvania, which required the whole strength of the government to subdue; the Indian atrocities in the Northwest, resulting in the unfortunate expe-

dition of St. Clair; the opposition to the financial schemes of the Secretary of the Treasury to restore the credit of the country; and the still greater popular disaffection toward Jay's treaty with Great Britain, — these and other annoyances made him long for the quiet life of Mount Vernon; and he would have resigned the presidency in disgust but for patriotic motives and the urgent remonstrances of his cabinet. Faithful to his trust, he patiently labored on. If his administration was not dashingly brilliant, any more than his career as a general, he was beset with difficulties and discouragements which no man could have surmounted more gloriously than he: and when his eight years of service had expired he had the satisfaction to see that the country was at peace with all the world; that his policy of non-interference with European politics was appreciated; that no more dangers were to be feared from the Indians; that the country was being opened for settlers westward to the Ohio River; that the navigation of the Mississippi was free to the Gulf of Mexico; that canals and internal improvements were binding together the different States and introducing general prosperity; that financial difficulties had vanished; and that the independence and assured growth of the nation was no longer a matter of doubt in any European State.

Nothing could induce Washington to serve beyond

his second term. He could easily have been again elected, if he wished, but he longed for rest and the pursuits of agricultural life. So he wrote his Farewell Address to the American people, exhorting them to union and harmony, — a document filled with noble sentiments for the meditation of all future generations. Like all his other writings, it is pregnant with moral wisdom and elevated patriotism, and in language is clear, forcible, and to the point. He did not aim to advance new ideas or brilliant theories, but rather to enforce old and important truths which would reach the heart as well as satisfy the head. The burden of his song in this, and in all his letters and messages and proclamations, is union and devotion to public interests, unswayed by passion or prejudice.

On the 3d of March, 1797, the President gave his farewell dinner to the most distinguished men of the time, and as soon as possible after the inauguration of his successor, John Adams, he set out for his plantation on the banks of the Potomac, where he spent his remaining days in dignity and quiet hospitalities, amid universal regrets that his public career was ended.

Even in his retirement, when there seemed to be imminent danger of war with France, soon after his return to his home, he was ready to buckle on

From a photograph

WASHINGTON'S HOME AT MT. VERNON

his sword once more; but the troubles were not so serious as had been feared, and soon blew over. They had arisen from the venality and rapacity of Talleyrand, French minister of Foreign affairs, who demanded a bribe from the American commissioners of two-and a-half millions as the price of his friendly services in securing favorable settlements. Their scornful reply, and the prompt preparations in America for war, brought the Directory tc terms. When the crisis was past Washington resumed the care of his large estates, which had become dilapidated during the fifteen years of his public life. His retreat was invaded by great numbers, who wished to see so illustrious a man, but no one was turned away from his hospitable mansion.

In December, 1799, Washington caught cold from imprudent exposure, and died on the 14th day of the month after a short illness, — not what we should call a very old man. His life might probably have been saved but that, according to the universal custom, he was bled, which took away his vital forces. On the 16th of December he was buried quietly and without parade in the family vault at Mount Vernon, and the whole nation mourned for him as the Israelites mourned for Samuel of old, whom he closely resembled in character and services.

It would be useless to dwell upon the traits of char-

acter which made George Washington a national benefactor and a national idol. But one inquiry is often made, when he is seriously discussed, — whether or no he may be regarded as a man of genius. It is difficult to define genius, which seems to me to be either an abnormal development of particular faculties of mind, or an inspired insight into elemental truths so original and profound that its discoveries pass for revelations. Such genius as this is remarkably rare. I can recall but one statesman in our history who had extraordinary creative power, and this was Hamilton. In the history of modern times we scarcely can enumerate more than a dozen statesmen, a dozen generals, and the same number of poets, philosophers, theologians, historians, and artists who have had this creative power and this divine insight. Washington did not belong to that class of intellects. But he had what is as rare as transcendent genius, — he had a transcendent character, united with a marvellous balance of intellectual qualities, each in itself of a high grade, which gave him almost unerring judgment and remarkable influence over other minds, securing veneration. As a man he had his faults, but they were so few and so small that they seem to be but spots upon a sun. These have been forgotten; and as the ages roll on mankind will see naught but the lustre of his virtues and the greatness of his services.

AUTHORITIES.

The best and latest work on Washington is that of the Hon. Henry Cabot Lodge, and leaves little more to be said; Marshall's Washington has long been a standard; Botta's History of the Revolutionary War; Bancroft's United States; McMaster's History of the American People. In connection read the standard lives of Franklin, John Adams, Hamilton, Jefferson, Jay, Marshall, La Fayette, and Greene, with Washington's writings. John Fiske has written an admirable book on Washington's military career; indeed his historical series on the early history of America and the United States are both brilliant and trustworthy. Of the numerous orations on Washington, perhaps the best is that of Edward Everett.

ALEXANDER HAMILTON.

A. D. 1757–1804.

THE AMERICAN CONSTITUTION.

ALEXANDER HAMILTON.

THE AMERICAN CONSTITUTION.

THERE is one man in the political history of the United States whom Daniel Webster regarded as his intellectual superior. And this man was Alexander Hamilton; not so great a lawyer or orator as Webster, not so broad and experienced a statesman, but a more original genius, who gave shape to existing political institutions. And he rendered transcendent services at a great crisis of American history, and died, with no decline of popularity, in the prime of his life, like Canning in England, with a brilliant future before him. He was one of those fixed stars which will forever blaze in the firmament of American lights, like Franklin, Washington, and Jefferson; and the more his works are critically examined, the brighter does his genius appear. No matter how great this country is destined to be, — no matter what illustrious statesmen are destined to arise, and work in a larger sphere with the eyes of the world upon them, — Alexander Hamil-

ton will be remembered and will be famous for laying one of the corner-stones in the foundation of the American structure.

He was not born on American soil, but on the small West India Island of Nevis. His father was a broken-down Scotch merchant, and his mother was a bright and gifted French lady, of Huguenot descent. The Scotch and French blood blended, is a good mixture in a country made up of all the European nations. But Hamilton, if not an American by birth, was American in his education and sympathies and surroundings, and ultimately married into a distinguished American family of Dutch descent. At the age of twelve he was placed in the counting-house of a wealthy American merchant, where his marked ability made him friends, and he was sent to the United States to be educated. As a boy he was precocious, like Cicero and Bacon; and the boy was father of the man, since politics formed one of his earliest studies. Such a precocious politician was he while a student in King's College, now Columbia, in New York, that at the age of seventeen he entered into all the controversies of the day, and wrote essays which, replying to pamphlets attacking Congress over the signature of "A Westchester Farmer," were attributed to John Jay and Governor Livingston. As a college boy he took part in public political discussions on those great questions which

employed the genius of Burke, and occupied the attention of the leading men of America.

This was at the period when the colonies had not actually rebelled, but when they meditated resistance, — during the years between 1773 and 1776, when the whole country was agitated by political tracts, indignation meetings, patriotic sermons, and preparations for military struggle. Hitherto the colonies had not been oppressed; they had most of the rights and privileges they desired; but they feared that their liberties — so precious to them, and which they had virtually enjoyed from their earliest settlements — were in danger of being wrested away. And their fears were succeeded by indignation when the Coercion Act was passed by the English parliament, and when it was resolved to tax them without their consent, and without a representation of their interests. Nor did they desire war, nor even, at first, entire separation from the Mother Country; but they were ready to accept war rather than to submit to injustice, or any curtailment of their liberties. They had always enjoyed self-government in such vital matters as schools, municipal and local laws, taxes, colonial judges, and unrestricted town-meetings. These privileges the Americans resolved at all hazard to keep: some, because they had been accustomed to them all their days; others, from the abstract idea of freedom which Rousseau had in-

culcated with so much eloquence, which fascinated such men as Franklin and Jefferson; and others again, from the deep conviction that the colonies were strong enough to cope successfully with any forces that England could then command, should coercion be attempted, — to which latter class Washington, Pinckney, and Jay belonged; men of aristocratic sympathies, but intensely American. It was no democratic struggle to enlarge the franchise, and realize Rousseau's idea of fraternity and equality, — an idea of blended socialism, infidelity, and discontent, — which united the colonies in resistance; but a broad, noble, patriotic desire, first, to conserve the rights of free English colonists, and finally to make America independent of all foreign forces, combined with a lofty faith in their own resources for success, however desperate the struggle might be.

All parties now wanted independence, to possess a country of their own, free of English shackles. They got tired of signing petitions, of being mere colonists. So they sent delegates to Philadelphia to deliberate on their difficulties and aspirations; and on July 4, 1776, these delegates issued the Declaration of Independence, penned by Jefferson, one of the noblest documents ever written by the hand of man, the Magna Charta of American liberties, in which are asserted the great rights of mankind, — that all men have the right to seek happiness in their own way, and are entitled to the

fruit of their labors; and that the people are the source of power, and belong to themselves, and not to kings, or nobles, or priests.

In signing this document the Revolutionary patriots knew that it meant war; and soon the struggle came, — one of the inevitable and foreordained events of history, — when Hamilton was still a college student. He was eighteen when the battle of Lexington was fought; and he lost no time in joining the volunteers. Dearborn and Stark from New Hampshire, Putnam and Arnold from Connecticut, and Greene from Rhode Island, all now resolved on independence, "liberty or death." Hamilton left his college walls to join a volunteer regiment of artillery, of which he soon became captain, from his knowledge of military science which he had been studying in anticipation of the contest. In this capacity he was engaged in the battle of White Plains, the passage of the Raritan, and the battles at Princeton and Trenton.

When the army encamped at Morristown, in the gloomy winter of 1776–1777, his great abilities having been detected by the commander-in-chief, he was placed upon Washington's staff, as aide-de-camp with the rank of lieutenant-colonel, — a great honor for a boy of nineteen. Yet he was not thus honored and promoted on account of remarkable military abilities, although, had he continued in active service, he would probably have

distinguished himself as a general, for he had courage, energy, and decision; but he was selected by Washington on account of his marvellous intellectual powers. So, half-aide and half-secretary, he became at once the confidential adviser of the General, and was employed by him not only in his multitudinous correspondence, but in difficult negotiations, and in those delicate duties which required discretion and tact. He had those qualities which secured confidence, — integrity, diligence, fidelity, and a premature wisdom. He had brains and all those resources which would make him useful to his country. Many there were who could fight as well as he, but there were few who had those high qualities on which the success of a campaign depended. Thus he was sent to the camp of General Gates at Albany to demand the division of his forces and the reinforcement of the commander-in-chief, which Gates was very unwilling to accede to, for the capture of Burgoyne had turned his head. He was then the most popular officer of the army, and even aspired to the chief command. So he was inclined to evade the orders of his superior, under the plea of military necessity. It required great tact in a young man to persuade an ambitious general to diminish his own authority; but Hamilton was successful in his mission, and won the admiration of Washington for his adroit management. He was also very useful in the most critical period of the

war in ferreting out conspiracies, cabals, and intrigues; for such there were, even against Washington, whose transcendent wisdom and patriotism were not then appreciated as they were afterwards.

The military services of Hamilton were concealed from the common eye, and lay chiefly in his sage counsels; for, young as he was, he had more intellect and sagacity than any man in the army. It was Hamilton who urged decisive measures in that campaign which was nearly blasted by the egotism and disobedience of Lee. It was Hamilton who was sent to the French admiral to devise a co-operation of forces, and to the headquarters of the English to negotiate for an exchange of prisoners. It was Hamilton who dissuaded Washington from seizing the person of Sir Harry Clinton, the English commander in New York, when he had the opportunity. "Have you considered the consequences of seizing the General?" said the aide. "What would these be?" inquired Washington. "Why," replied Hamilton, "we should lose more than we should gain; since we perfectly understand his plans, and by taking them off, we should make way for an abler man, whose dispositions we have yet to learn." Such was the astuteness which Hamilton early displayed, so that he really rendered great military services, without commanding on the field.

When quite a young man he was incidentally of great use in suggesting to influential members of Congress certain financial measures which were the germ of that fiscal policy which afterwards made him immortal as Secretary of the Treasury; for it was in finance that his genius shone out with the brightest lustre. It was while he was the aid and secretary of Washington that he also unfolded, in a letter to Judge Duane, those principles of government which were afterwards developed in "The Federalist." He had "already formed comprehensive opinions on the situation and wants of the infant States, and had wrought out for himself a political system far in advance of the conceptions of his contemporaries." It was by his opinions on the necessities and wants of the country, and the way to meet them, that his extraordinary genius was not only seen, but was made useful to those in power. His brain was too active and prolific to be confined to the details of military service; he entered into a discussion of all those great questions which formed the early constitutional history of the United States, — all the more remarkable because he was so young. In fact he never was a boy; he was a man before he was seventeen. His ability was surpassed only by his precocity. No man saw the evils of the day so clearly as he, or suggested such wise remedies as he did when he was in the family of Washington.

We are apt to suppose that it was all plain sailing after the colonies had declared their independence, and their armies were marshalled under the greatest man — certainly the wisest and best — in the history of America and of the eighteenth century. But the difficulties were appalling even to the stoutest heart. In less than two years after the battle of Bunker Hill popular enthusiasm had almost fled, although the leaders never lost hope of ultimate success. The characters of the leading generals were maligned, even that of the general-in-chief; trade and all industries were paralyzed; the credit of the States was at the lowest ebb; there were universal discontents; there were unforeseen difficulties which had never been anticipated; Congress was nearly powerless, a sort of advisory board rather than a legislature; the States were jealous of Congress and of each other; there was a general demoralization; there was really no central power strong enough to enforce the most excellent measures; the people were poor; demagogues sowed suspicion and distrust; labor was difficult to procure; the agricultural population was decimated; there was no commerce; people lived on salted meats, dried fish, baked beans, and brown bread; all foreign commodities were fabulously dear; there was universal hardship and distress; and all these evils were endured amid foreign contempt and political disintegration, — a sort of moral chaos difficult to con-

ceive. It was amid these evils that our Revolutionary fathers toiled and suffered. It was against these that Hamilton brought his great genius to bear.

At the age of twenty-three, after having been four years in the family of Washington as his adviser rather than subordinate, Hamilton, doubtless ambitious, and perhaps elated by a sense of his own importance, testily took offence at a hasty rebuke on the part of the General and resigned his situation. Loath was Washington to part with such a man from his household. But Hamilton was determined, and tardily he obtained a battalion, with the brevet rank of general, and distinguished himself in those engagements which preceded the capture of Lord Cornwallis; and on the surrender of this general, — feeling that the war was virtually ended, — he withdrew altogether from the army, and began the study of law at Albany. He had already married the daughter of General Schuyler, and thus formed an alliance with a powerful family. After six months of study he was admitted to the Bar, and soon removed to New York, which then contained but twenty-five thousand inhabitants.

His legal career was opened, like that of Cicero and Erskine, by a difficult case which attracted great attention and brought him into notice. In this case he rendered a political service as well as earned a legal fame. An action was brought by a poor woman, impoverished

by the war, against a wealthy British merchant, to recover damages for the use of a house he enjoyed when the city was occupied by the enemy. The action was founded on a recent statute of the State of New York, which authorized proceedings for trespass by persons who had been driven from their homes by the invasion of the British. The plaintiff therefore had the laws of New York on her side, as well as popular sympathies; and her claim was ably supported by the attorney-general. But it involved a grave constitutional question, and conflicted with the articles of peace which the Confederation had made with England; for in the treaty with Great Britain an amnesty had been agreed to for all acts done during the war by military orders. The interests of the plaintiff were overlooked in the great question whether the authority of Congress and the law of nations, or the law of a State legislature, should have the ascendency. In other words, Congress and the State of New York were in conflict as to which should be paramount, — the law of Congress, or the law of a sovereign State, — in a matter which affected a national treaty. If the treaty were violated, new complications would arise with England, and the authority of Congress be treated with contempt. Hamilton grappled with the subject in the most comprehensive manner, — like a statesman rather than a lawyer, — made a magnificent argument in favor of the general government,

and gained his case; although it would seem that natural justice was in favor of the poor woman, deprived of the use of her house by a wealthy alien, during the war. He rendered a service to centralized authority, to the power of Congress. It was the incipient contest between Federal and State authority. It was enlightened reason and patriotism gaining a victory over popular passions, over the assumptions of a State. It defined the respective rights of a State and of the Nation collectively. It was one of those cases which settled the great constitutional question that the authority of the Nation was greater than that of any State which composed it, in matters where Congress had a recognized jurisdiction.

It was about this time that Hamilton was brought in legal conflict with another young man of great abilities, ambition, and popularity; and this man was Aaron Burr, a grandson of Jonathan Edwards. Like Hamilton, he had gained great distinction in the war, and was one of the rising young men of the country. He was superior to Hamilton in personal popularity and bewitching conversation; his equal in grace of manner, in forensic eloquence and legal reputation, but his inferior in comprehensive intellect and force of character. Hamilton dwelt in the region of great ideas and principles; Burr loved to resort to legal technicalities, sophistries, and the dexterous use of dialectical weap-

ons. In arguing a case he would descend to every form of annoyance and interruption, by quibbles, notices, and appeals. Both lawyers were rapid, logical, compact, and eloquent. Both seized the strong points of a case, like Mason and Webster. Hamilton was earnest and profound, and soared to elemental principles. Burr was acute, adroit, and appealed to passions. Both admired each other's talents and crossed each other's tracks, — rivals at the Bar and in political aspirations. The legal career of both was eclipsed by their political labors. The lawyer, in Hamilton's case, was lost in the statesman, and in Burr's in the politician. And how wide the distinction between a statesman and a politician! To be a great statesman a man must be conversant with history, finance, and science; he must know everything, like Gladstone, and he must have at heart the great interests of a nation; he must be a man of experience and wisdom and reason; he must be both enlightened and patriotic, merging his own personal ambition in the good of his country, — an oracle and sage whose utterances are received with attention and respect. To be a statesman demands the highest maturity of reason, far-reaching views, and the power of taking in the interests of a whole country rather than of a section. But to be a successful politician a man may be ignorant, narrow, and selfish; most probably he will be artful, dissembling, going in

for the winning side, shaking hands with everybody, profuse in promises, bland, affable, ready to do anything for anybody, and seeking the interests and flattering the prejudices of his own constituency, indifferent to the great questions on which the welfare of a nation rests, if only his own private interests be advanced. All politicians are not so small and contemptible; many are honest, as far as they can see, but can see only petty details, and not broad effects. Mere politicians, — observe, I qualify what I say, — *mere* politicians resemble statesmen, intellectually, as pedants resemble scholars of large culture, comprehensive intellects, and varied knowledge; they will consider a date, or a name, or a comma, of more importance than the great universe, which no one can ever fully and accurately explore.

I have given but a short notice of Hamilton as a lawyer, because his services as a statesman are of so much greater importance, especially to the student of history. His sphere became greatly enlarged when he entered into those public questions on which the political destiny of a nation rests. He was called to give a direction to the policy of the young government that had arisen out of the storms of revolution, — a policy which must be carried out when the nation should become powerful and draw upon itself the eyes of the civilized world. "Just as the twig is bent, the tree's

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inclined.' It was the privilege and glory of Hamilton to be one of the most influential of all the men of his day in bending the twig which has now become so great a tree. We can see his hand in the distinctive features of our Constitution, and especially in that financial policy which extricated the nation from the poverty and embarrassments bequeathed by the war, and which, on the whole, has been the policy of the Government from his day to ours. Greater statesmen may arise than he, but no future statesman will ever be able to shape a national policy as he has done. He is one of the great fathers of the Republic, and was as efficient in founding a government and a financial policy, as Saint Augustine was in giving shape to the doctrines of the Church in his age, and in mediæval ages. Hamilton was therefore a benefactor to the State, as Augustine was to the Church.

But before Hamilton could be of signal service to the country as an organizer and legislator, it was necessary to have a national government which the country would accept, and which would be lasting and efficient. There was a political chaos for years after the war. Congress had no generally recognized authority; it was merely a board of delegates, whose decisions were disregarded, representing a league of States, not an independent authority. There was no chief executive officer, no court of national judges, no defined

legislature. We were a league of emancipated colonies drifting into anarchy. There was really no central government; only an autonomy of States like the ancient Grecian republics, and the lesser States were jealous of the greater. The great questions pertaining to slavery were unsettled, — how far it should extend, and how far it could be interfered with. We had ships and commerce, but no commercial treaties with other nations. We imported goods and merchandise, but there were no laws of tariff or of revenue. If one State came into collision with another State, there was no tribunal to settle the difficulty. No particular industries were protected. Of all things the most needed was a national government superior to State governments, taking into its own hands exclusively the army and navy, tariffs, revenues, the post-office, the regulation of commerce, and intercourse with foreign States. Oh, what times those were! What need of statesmanship and patriotism and wisdom! I have alluded to various evils of the day. I will not repeat them. Why, our condition at the end of the War of the Rebellion, when we had a national debt of three thousand millions, and general derangement and demoralization, was an Elysium compared with that of our fathers at the close of the Revolutionary War, — no central power, no constitution, no government, with poverty, agricultural distress, and uncertainty, and the prostration

of all business; no national credit, no national éclat, — a mass of rude, unconnected, and anarchic forces threatening to engulf us in worse evils than those from which we had fled.

The thinking and sober men of the country were at last aroused, and the conviction became general that the Confederacy was unable to cope with the difficulties which arose on every side. So, through the influence of Hamilton, a convention of five States assembled at Annapolis to provide a remedy for the public evils. But it did not fully represent the varied opinions and interests of the whole country. All it could do was to prepare the way for a general convention of States; and twelve States sent delegates to Philadelphia, who met in the year 1787. The great public career of Hamilton began as a delegate from the State of New York to this illustrious assembly. He was not the most distinguished member, for he was still a young man; nor the most popular, for he had too much respect for the British constitution, and was too aristocratic in his sympathies, and perhaps in his manners, to be a favorite. But he was probably the ablest man of the convention, the most original and creative in his genius, the most comprehensive and far-seeing in his views, — a man who inspired confidence and respect for his integrity and patriotism, combining intellectual with moral force. He would have been a great man in any

age or country, or in any legislative assembly, — a man who had great influence over superior minds, as he had over that of Washington, whose confidence he had from first to last.

I am inclined to think that no such an assembly of statesmen has since been seen in this country as that which met to give a constitution to the American Republic. Of course, I cannot enumerate all the distinguished men. They were all distinguished, — men of experience, patriotism, and enlightened minds. There were fifty-four of these illustrious men, — the picked men of the land, of whom the nation was proud. Franklin, now in his eightieth year, was the Nestor of the assembly, covered with honors from home and abroad for his science and his political experience and sagacity, — a man who received more flattering attentions in France than any American who ever visited it; one of the great savants of the age, dignified, affable, courteous, whom everybody admired and honored. Washington, too, was there, — the Ulysses of the war, brave in battle and wise in council, of transcendent dignity of character, whose influence was patriarchal, the synonym of moral greatness, to be revered through all ages and countries; a truly immortal man whose fame has been steadily increasing. Adams, Jefferson, and Jay, three very great lights, were absent on missions to Europe; but

Rufus King, Roger Sherman, Oliver Ellsworth, Livingston, Dickinson, Rutledge, Randolph, Pinckney, Madison, were men of great ability and reputation, independent in their views, but all disposed to unite in the common good. Some had been delegates to the Stamp Act Congress of 1765; some, members of the Continental Congress of 1774; some, signers of the Declaration of Independence. There were no political partisans then, as we now understand the word, for the division lines of parties were not then drawn. All were animated with the desire of conciliation and union. All felt the necessity of concessions. They differed in their opinions as to State rights, representation, and slavery. Some were more democratic, and some more aristocratic than the majority, but all were united in maintaining the independence of the country and in distrust of monarchies.

It is impossible within my narrow limits to describe the deliberations of these patriots, until their work was consummated in the glorious Constitution which is our marvel and our pride. The discussions first turned on the respective powers to be exercised by the executive, judicial, and legislative branches of the proposed central government, and the duration of the terms of service. Hamilton's views favored a more efficient executive than was popular with the States or delegates; but it cannot be doubted that his powerful

arguments, and clear enunciation of fundamental principles of government had great weight with men more eager for truth than victory. There were animated discussions as to the ratio of representation, and the equality of States, which gave rise to the political parties which first divided the nation, and which were allied with those serious questions pertaining to State rights which gave rise, in part, to our late war. But the root of the dissensions, and the subject of most animated debates, was slavery, — that awful curse and difficult question, which was not settled until the sword finally cut that Gordian knot. But so far as compromises could settle the question, they were made in the spirit of patriotism, — not on principles of abstract justice, but of expediency and common-sense. It was evident from the first that there could be no federal, united government, no nation, only a league of States, unless compromises were made in reference to slavery, whose evils were as apparent then as they were afterwards. For the sake of nationality and union and peace, slavery was tolerated by the Constitution. To some this may appear to have been a grave error, but to the makers of the Constitution it seemed to be a less evil to tolerate slavery than have no Constitution at all, which would unite all the States. Harmony and national unity seemed to be the paramount consideration.

So a compromise was made. We are apt to forget

how great institutions are often based on compromise, — not a mean and craven sentiment, as some think, but a spirit of conciliation and magnanimity, without which there can be no union or stability. Take the English Church, which has survived the revolutions of human thought for three centuries, which has been a great bulwark against infidelity, and has proved itself to be dear to the heart of the nation, and the source of boundless blessings and proud recollections, — it was a compromise, half-way indeed between Rome and Geneva, but nevertheless a great and beneficent organization on the whole. Take the English constitution itself, one of the grandest triumphs of human reason and experience, — it was only gradually formed by a series of bloodless concessions. Take the Roman constitution, under which the whole civilized world was brought into allegiance, — it was a series of concessions granted by the aristocratic classes. Most revolutions and wars end in compromise after the means of fighting are expended. Most governments are based on expediency rather than abstract principles. The actions of governments are necessarily expedients, — the wisest policy in view of all the circumstances. Even such an uncompromising logician as Saint Paul accepted some customs which we think were antagonistic to the spirit of his general doctrines. He was a great temperance man, but recommended a little wine to Timothy for the

stomach's sake. And Moses, too, the great founder of the Jewish polity, permitted polygamy because of the hardness of men's hearts. So the fathers of the Constitution preferred a constitution with slavery to no constitution at all. Had each of those illustrious men persisted in his own views, we should have had only an autonomy of States instead of the glorious Union, which in spite of storms stands unshaken to-day.

I cannot dwell on those protracted debates, which lasted four months, or on the minor questions which demanded attention, — all centering in the great question whether the government should be federative or national. But the ablest debater of the convention was Hamilton, and his speeches were impressive and convincing. He endeavored to impress upon the minds of the members that liberty was found neither in the rule of a few aristocrats, nor in extreme democracy; that democracies had proved more short-lived than aristocracies, as illustrated in Greece, Rome, and England. He showed that extreme democracies, especially in cities, would be governed by demagogues; that universal suffrage was a dangerous experiment when the people had neither intelligence nor virtue; that no government could last which was not just and enlightened; that all governments should be administered by men of experience and integrity; that any central government should have complete control over

commerce, tariffs, revenues, post-offices, patents, foreign relations, the army and navy, peace or war; and that in all these functions of national interest the central government should be independent of State legislatures, so that the State and National legislatures should not clash. Many of his views were not adopted, but it is remarkable that the subsequent changes and modifications of the Constitution have been in the direction of his policy; that wars and great necessities have gradually brought about what he advocated with so much calmness and wisdom. Guizot asserts that "he must ever be classed among the men who have best understood the vital principles and elemental conditions of government; and that there is not in the Constitution of the United States an element of order, or force, or duration which he did not powerfully contribute to secure." This is the tribute of that great and learned statesman and historian to the genius and services of Hamilton. What an exalted praise! To be the maker of a constitution requires the highest maturity of reason. It was the peculiar glory of Moses, — the ablest man ever born among the Jews, and the greatest benefactor his nation ever had. How much prouder the fame of a beneficent and enlightened legislator than that of a conqueror! The code which Napoleon gave to France partially rescues his name from the infamy that his injuries inflicted on mankind. Who are the

greatest men of the present day, and the most beneficent? Such men as Gladstone and Bright, who are seeking by wise legislation to remove or meliorate the evils of centuries of injustice. Who have earned the proudest national fame in the history of America since the Constitution was made? Such men as Webster, Clay, Seward, Sumner, who devoted their genius to the elucidation of fundamental principles of government and political economy. The sphere of a great lawyer may bring more personal gains, but it is comparatively narrow to that of a legislator who originates important measures for the relief or prosperity of a whole country.

The Constitution when completed was not altogether such as Hamilton would have made, but he accepted it cordially as the best which could be had. It was not perfect, but probably the best ever devised by human genius, with its checks and balances, "like one of those rocking-stones reared by the Druids," as Winthrop beautifully said, "which the finger of a child may vibrate to its centre, yet which the might of an army cannot move from its place."

The next thing to be done was to secure its ratification by the several States,—a more difficult thing than at first sight would be supposed; for the State legislatures were mainly composed of mere politicians, without experience or broad views, and animated by popular

passions. So the States were tardy in accepting it, especially the larger ones, like Virginia, New York, and Massachusetts. And it may reasonably be doubted whether it would have been accepted at all, had it not been for the able papers which Hamilton, Madison, and Jay wrote and published in a leading New York paper, — essays which go under the name of "The Federalist," long a text-book in our colleges, and which is the best interpreter of the Constitution itself. It is everywhere quoted; and if those able papers may have been surpassed in eloquence by some of the speeches of our political orators, they have never been equalled in calm reasoning. They appealed to the intelligence of the age, — an age which loved to read Butler's "Analogy," and Edwards "On the Will;" an age not yet engrossed in business and pleasure, when people had time to ponder on what is profound and lofty; an age not so brilliant as our own in mechanical inventions and scientific researches, but more contemplative, and more impressible by grand sentiments. I do not say that the former times were better than these, as old men have talked for two thousand years, for those times were hard, and the struggles of life were great, — without facilities of travel, without luxuries, without even comforts, as they seem to us; but there was doubtless then a loftier spiritual life, and fewer distractions in the pursuit of solid knowledge; people then could live in

the country all the year round without complaint, or that restless craving for novelties which demoralizes and undermines the moral health. Hamilton wrote sixty-three of the eighty-five (more than half) of these celebrated papers which had a great influence on public opinion, — clear, logical, concise, masterly in statement, and in the elucidation of fundamental principles of government. Probably no series of political essays has done so much to mould the opinions of American statesmen as those of "The Federalist,"— a thesaurus of political wisdom, as much admired in Europe as in America. It was translated into most of the European languages, and in France placed side by side with Montesquieu's "Spirit of Laws" in genius and ability. It was not written for money or fame, but from patriotism, to enlighten the minds of the people, and prepare them for the reception of the Constitution.

In this great work Hamilton rendered a mighty service to his country. Nothing but the conclusive arguments which he made, assisted by Jay and Madison, aroused the people fully to a sense of the danger attending an imperfect union of States. By the efforts of Hamilton outside the convention, more even than in the convention, the Constitution was finally adopted, — first by Delaware and last by Rhode Island, in 1790, and then only by one majority in the legislature. So difficult was the work of construction. We forget the obstacles

and the anxieties and labors of our early statesmen, in the enjoyment of our present liberties.

But the public services of Hamilton do not end here. To him pre-eminently belongs the glory of restoring or creating our national credit, and relieving universal financial embarrassments. The Constitution was the work of many men. Our financial system was the work of one, who worked alone, as Michael Angelo worked on the ceiling of the Sistine Chapel.

When Washington became President, he at once made choice of Hamilton as his Secretary of the Treasury, at the recommendation of Robert Morris, *the* financier of the Revolution, who not only acknowledged his own obligations to him, but declared that he was the only man in the United States who could settle the difficulty about the public debt. In finance, Hamilton, it is generally conceded, had an original and creative genius. "He smote the rock of the national resources," said Webster, "and abundant streams of revenue gushed forth. He touched the dead corpse of the public credit, and it sprang upon its feet. The fabled birth of Minerva from the brain of Jupiter was hardly more sudden than the financial system of the United States as it burst from the conception of Alexander Hamilton."

When he assumed the office of Secretary of the Treasury there were five forms of public indebtedness

for which he was required to provide, — the foreign debt; debts of the Government to States; the army debt; the debt for supplies in the various departments during the war; and the old Continental issues. There was no question about the foreign debt. The assumption of the State debts incurred for the war was identical with the debts of the Union, since they were incurred for the same object. In fact, all the various obligations had to be discharged, and there was neither money nor credit. Hamilton proposed a foreign loan, to be raised in Europe; but the old financiers had sought foreign loans and failed. How was the new Congress likely to succeed any better? Only by creating confidence; making it certain that the interest of the loan would be paid, and paid in specie. In other words, they were to raise a revenue to pay this interest. This simple thing the old Congress had not thought of, or had neglected, or found impracticable. And how should the required revenue be raised? Direct taxation was odious and unreliable. Hamilton would raise it by duties on imports. But how was an impoverished country to raise money to pay the duties when there was no money? How was the dead corpse to be revived? He would develop the various industries of the nation, all in their infancy, by protecting them, so that the merchants and the manufacturers could compete with foreigners; so that foreign goods could be brought

to our seaports in our own ships, and our own raw materials exchanged for articles we could not produce ourselves, and be subject to duties, — chiefly on articles of luxury, which some were rich enough to pay for. And he would offer inducements for foreigners to settle in the country, by the sale of public lands at a nominal sum, — men who had a little money, and not absolute paupers; men who could part with their superfluities for either goods manufactured or imported, and especially for some things they must have, on which light duties would be imposed, like tea and coffee; and heavy duties for things which the rich would have, like broadcloths, wines, brandies, silks, and carpets. Thus a revenue could be raised more than sufficient to pay the interest on the debt. He made this so clear by his luminous statements, going into all details, that confidence gradually was established both as to our ability and also our honesty; and money flowed in easily and plentifully from Europe, since foreigners felt certain that the interest on their loans would be paid.

Thus in all his demonstrations he appealed to common-sense, not theories. He took into consideration the necessities of his own country, not the interests of other countries. He would legislate for America, not universal humanity. The one great national necessity was protection, and this he made as clear as the light of the sun. "One of our errors," said he, "is that of judg-

ing things by abstract calculations, which though geometrically true, are practically false." It was clear that the Government must have a revenue, and that revenue could only be raised by direct or indirect taxation; and he preferred, under the circumstances of the country, indirect taxes, which the people did not feel, and were not compelled to pay unless they liked; for the poor were not compelled to buy foreign imports, but if they bought them they must pay a tax to government. And he based his calculations that people could afford to purchase foreign articles, of necessity and luxury, on the enormous resources of the country, — then undeveloped, indeed, but which would be developed by increasing settlements, increasing industries, and increasing exports; and his predictions were soon fulfilled. In a few years the debt disappeared altogether, or was felt to be no burden. The country grew rich as its industries were developed; and its industries were developed by protection.

I will not enter upon that unsettled question of political economy. There are two sides to it. What is adapted to the circumstances of one country may not be adapted to another; what will do for England may not do practically for Russia; and what may be adapted to the condition of a country at one period may not be adapted at another period. When a country has the monopoly of a certain manufacture, then that country

can dispense with protection. Before manufactures were developed in England by the aid of steam and improved machinery, the principles of free-trade would not have been adopted by the nation. The landed interests of Great Britain required no protection forty years ago, since there was wheat enough raised in the country to supply demands. So the landed aristocracy accepted free-trade, because their interests were not jeopardized, and the interests of the manufacturers were greatly promoted. Now that the landed interests are in jeopardy from a diminished rental, they must either be protected, or the lands must be cut up into small patches and farms, as they are in France. Farmers must raise fruit and vegetables instead of wheat.

When Hamilton proposed protection for our infant manufactures, they never could have grown unless they had been assisted; we should have been utterly dependent on Europe. That is just what Europe would have liked. But he did not legislate for Europe, but for America. He considered its necessities, not abstract theories, nor even the interests of other nations. How hypocritical the cant in England about free-trade! There never was free-trade in that country, except in reference to some things it must have, and some things it could monopolize. Why did Parliament retain the duty on tobacco and wines and other things? Because England must have a revenue. Hamilton did the same.

He would raise a revenue, just as Great Britain raises a revenue to-day, in spite of free-trade, by taxing certain imports. And if the manufactures of England to-day should be in danger of being swamped by foreign successful competition, the Government would change its policy, and protect the manufactures. Better protect them than allow them to perish, even at the expense of national pride.

But the manufactures of this country at the close of the Revolutionary War were too insignificant to expect much immediate advantage from protection. It was Hamilton's policy chiefly to raise a revenue, and to raise it by duties on imports, as the simplest and easiest and surest way, when people were poor and money was scarce. Had he lived in these days, he might have modified his views, and raised revenue in other ways. But he labored for his time and circumstances. He took into consideration the best way to raise a revenue for his day; for this he must have, somehow or other, to secure confidence and credit. He was most eminently practical. He hated visionary ideas and abstract theories; he had no faith in them at all. You can push any theory, any abstract truth even, into absurdity, as the theologians of the Middle Ages carried out their doctrines to their logical sequence. You cannot settle the complicated relations of governments by deductions. At best you can only approximate to the truth by induction, by a

due consideration of conflicting questions and issues and interests.

The next important measure of Hamilton was the recommendation of a National Bank, in order to facilitate the collection of the revenue. Here he encountered great opposition. Many politicians of the school of Jefferson were jealous of moneyed institutions, but Hamilton succeeded in having a bank established though not with so large a capital as he desired.

It need not be told that the various debates in Congress on the funding of the national debt, on tariffs, on the bank, and other financial measures, led to the formation of two great political parties, which divided the nation for more than twenty years, — parties of which Hamilton and Jefferson were the respective leaders. Madison now left the support of Hamilton, and joined hands with the party of Jefferson, which took the name of Republican, or Democratic-Republican. The Federal party, which Hamilton headed, had the support of Washington, Adams, Jay, Pinckney, and Morris. It was composed of the most memorable names of the Revolution and, it may be added, of the more wealthy, learned, and conservative classes: some would stigmatize it as being the most aristocratic. The colleges, the courts of law, and the fashionable churches were generally presided over by Federalists. Old gentlemen of social position and sta-

ble religious opinions belonged to this party. But ambitious young men, chafing under the restraints of consecrated respectability, popular politicians, or as we might almost say the demagogues, the progressive and restless people and liberal thinkers enamored of French philosophy and theories and abstractions, were inclined to be Republicans. There were exceptions, of course. I only speak in a general way; nor would I give the impression that there were not many distinguished, able, and patriotic men enlisted in the party of Jefferson, especially in the Southern States, in Pennsylvania, and New York. Jefferson himself was, next to Hamilton, the ablest statesman of the country, — upright, sincere, patriotic, contemplative; simple in taste, yet aristocratic in habits; a writer rather than an orator, ignorant of finance, but versed in history and general knowledge, devoted to State rights, and bitterly opposed to a strong central power. He hated titles, trappings of rank and of distinction, ostentatious dress, shoe-buckles, hair-powder, pig-tails, and everything English, while he loved France and the philosophy of liberal thinkers; not a religious man, but an honest and true man. And when he became President, on the breaking up of the Federal party, partly from the indiscretions of Adams and the intrigues of Burr, and hostility to the intellectual supremacy of Hamilton, — who was never truly popular, any more than Webster and Burke

were, since intellectual arrogance and superiority are offensive to fortunate or ambitious nobodies, — Jefferson's prudence and modesty kept him from meddling with the funded debt and from entangling alliances with the nation he admired. Jefferson was not sweeping in his removals from office, although he unfortunately inaugurated that fatal policy consummated by Jackson, which has since been the policy of the Government, — that spoils belong to victors. This policy has done more to demoralize the politics of the country than all other causes combined; yet it is now the aim of patriotic and enlightened men to destroy its power and re-introduce that of Washington and Hamilton, and of all nations of political experience. The civil-service reform is now one of the main questions and issues of American legislation; but so bitterly is it opposed by venal politicians that I fear it cannot be made fully operative until the country demands it as imperatively as the English did the passage of their Reform Bill. However, it has gained so much popular strength that both of the prominent political parties of the present time profess to favor it, and promise to make it effective.

It would be interesting to describe the animosities of the Federal and Republican parties, which have since never been equalled in bitterness and rancor and fierceness, but I have not time. I am old enough to remem-

ber them, until they passed away with the administration of General Jackson, when other questions arose. With the struggle for ascendency between these political parties, the public services of Hamilton closed. He resumed the practice of the law in New York, even before the close of Washington's administration. He became the leader of the Bar, without making a fortune; for in those times lawyers did not know how to charge, any more than city doctors. I doubt if his income as a lawyer ever reached $10,000 a year; but he lived well, as most lawyers do, even if they die poor. His house was the centre of hospitalities, and thither resorted the best society of the city, as well as distinguished people from all parts of the country.

Nor did his political influence decline after he had parted with power. He was a rare exception to most public men after their official life is ended; and nothing so peculiarly marks a great man as the continuance of influence with the absence of power; for influence and power are distinct. Influence, in fact, never passes away, but power is ephemeral. Theologians, poets, philosophers, great writers, have influence and no power; railroad kings and bank presidents have power but not necessarily influence. Saint Augustine, in a little African town, had more influence than the bishop of Rome. Rousseau had no power, but he created the French Revolution. Socrates revolutionized Greek philosophy,

but had not power enough to save his life from unjust accusations. What an influence a great editor wields in these times, yet how little power he has, unless he owns the journal he directs! What an influence was enjoyed by a wise and able clergyman in New England one hundred years ago, and which was impossible without force of character and great wisdom! Hamilton had wisdom and force of character, and therefore had great influence with his party after he retired from office. Most of our public men retire to utter obscurity when they have lost office, but Hamilton was as prominent in private life as in his official duties. He was the oracle of his party, a great political sage, whose utterances had the moral force of law. He never lost the leadership of his party, even when he retired from public life. His political influence lasted till he died. He had no rewards to give, no office to fill, but he still ruled like a chieftain. It was he who defeated by his quiet influence the political aspirations of Burr, when Burr was the most popular man in the country, — a great wire-puller, a prince of politicians, a great organizer of political forces, like Van Buren and Thurlow Weed, — whose eloquent conversation and fascinating manner few men could resist, to say nothing of women. But for Hamilton, he would in all probability have been President of the United States, at a time when individual genius and ability might not unreasonably aspire

to that high office. He was the rival of Jefferson, and lost the election by only one vote, after the equality of candidates had thrown the election into the House of Representatives. Hamilton did not like Jefferson, but he preferred Jefferson to Burr, since he knew that the country would be safe under his guidance, and would not be safe with so unscrupulous a man as Burr. He distrusted and disliked Burr; not because he was his rival at the Bar, — for great rival lawyers may personally be good friends, like Brougham and Lyndhurst, like Mason and Webster, — but because his political integrity was not to be trusted; because he was a selfish and scheming politician, bent on personal advancement rather than the public good. And this hostility was returned with an unrelenting and savage fierceness, which culminated in deadly wrath when Burr found that Hamilton's influence prevented his election as Governor of New York, — which office, it seems, he preferred to the Vice-presidency, which had dignity but no power. Burr wanted power rather than influence. In his bitter disappointment and remorseless rage, nothing would satisfy him but the blood of Hamilton. He picked a quarrel, and would accept neither apology nor reconciliation; he wanted revenge.

Hamilton knew he could not escape Burr's vengeance; that he must fight the fatal duel, in obedience to that "code of honor" which had tyrannically bound gentle-

After the painting by J. Mund

DUEL BETWEEN ALEXANDER HAMILTON AND AARON BURR

men since the feudal ages, though unknown to Pagan Greece and Rome. There was no law or custom which would have warranted a challenge from Æschines to Demosthenes, when the former was defeated in the forensic and oratorical contest and sent into banishment. But the necessity for Hamilton to fight his antagonist was such as he had not the moral power to resist, and that few other men in his circumstances would have resisted. In the eyes of public men there was no honorable way of escape. Life or death turned on his skill with the pistol; and he knew that Burr, here, was his superior. So he made his will, settled his affairs, and offered up his precious life; not to his country, not to a great cause, not for great ideas and interests, but to avoid the stigma of society, — a martyr to a feudal conventionality. Such a man ought not to have fought; he should have been above a wicked social law. But why expect perfection? Who has not infirmities, defects, and weaknesses? How few are beyond their age in its ideas; how few can resist the pressure of social despotism! Hamilton erred by our highest standard, but not when judged by the circumstances that surrounded him. The greatest living American died really by an assassin's hand, since the murderer was animated with revenge and hatred. The greatest of our statesmen passed away in a miserable duel; yet ever to be venerated for his services and respected for his general character, for

his integrity, patriotism, every gentlemanly quality, — brave, generous, frank, dignified, sincere, and affectionate in his domestic relations.

His death, on the 11th of July, 1804, at the early age of forty-seven, — the age when Bacon was made Lord Chancellor, the age when most public men are just beginning to achieve fame, — was justly and universally regarded as a murder; not by the hand of a fanatic or lunatic, but by the deliberately malicious hand of the Vice-President of the United States, and a most accomplished man. It was a cold, intended, and atrocious murder, which the pulpit and the press equally denounced in most unmeasured terms of reprobation, and with mingled grief and wrath. It created so profound an impression on the public mind that duelling as a custom could no longer stand so severe a rebuke, and it practically passed away, — at least at the North.

And public indignation pursued the murderer, though occupying the second highest political office in the country. He paid no insignificant penalty for his crime. He never anticipated such a retribution. He was obliged to flee; he became an exile and a wanderer in foreign lands, — poor, isolated, shunned. He was doomed to eternal ignominy; he never recovered even political power and influence; he did not receive even adequate patronage as a lawyer. He never again

reigned in society, though he never lost his fascination as a talker. He was a ruined man, in spite of services and talents and social advantages; and no whitewashing can ever change the verdict of good men in this country. Aaron Burr fell, — like Lucifer, like a star from heaven, — and never can rise again in the esteem of his countrymen; no time can wipe away his disgrace. His is a blasted name, like that of Benedict Arnold. And here let me say, that great men, although they do not commit crimes, cannot escape the penalty of even defects and vices that some consider venial. No position however lofty, no services however great, no talents however brilliant, will enable a man to secure lasting popularity and influence when respect for his moral character is undermined; ultimately he will fall. He may have defects, he may have offensive peculiarities, and retain position and respect, for everybody has faults; but if his moral character is bad, nothing can keep him long on the elevation to which he has climbed, — no political friendships, no remembrance of services and deeds. If such a man as Bacon fell from his high estate for taking bribes, — although bribery was a common vice among the public characters of his day, — how could Burr escape ignominy for the murder of the greatest statesman of his age?

Yet Hamilton lives, although the victim of his rival. He lives in the nation's heart, which cannot forget his

matchless services. He is still the admiration of our greatest statesmen; he is revered, as Webster is, by jurists and enlightened patriots. No statesman superior to him has lived in this great country. He was a man who lived in the pursuit of truth, and in the realm of great ideas; who hated sophistries and lies, and sought to base government on experience and wisdom.

"Great were the boons which this pure patriot gave,
Doomed by his rival to an early grave;
A nation's tears upon that grave were shed.
Oh, could the nation by his truths be led!
Then of a land, enriched from sea to sea,
Would other realms its earnest following be,
And the lost ages of the world restore
Those golden ages which the bards adore."

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JOHN ADAMS.

1735-1826.

CONSTRUCTIVE STATESMANSHIP.

JOHN ADAMS.

CONSTRUCTIVE STATESMANSHIP.

THE Adams family — on the whole the most illustrious in New England, if we take into view the ability, the patriotism, and the high offices which it has held from the Revolutionary period — cannot be called of patrician descent, neither can it viewed as peculiarly plebeian. The founder was a small farmer in the town of Braintree, of the Massachusetts Colony, as far back as 1636, whose whole property did not amount to £100. His immediate descendants were famous and sturdy Puritans, characterized by their thrift and force of character.

The father of John Adams, who died in 1761, had an estate amounting to nearly £1,500, and could afford to give a college education at Harvard to his eldest son, John, who was graduated in 1755, at the age of twenty, with the reputation of being a good scholar,

but by no means distinguished in his class of twenty-four members. He cared more for rural sports than for books. Following the custom of farmers' sons, on leaving college he kept a school at Worcester before he began his professional studies. His parents wished him to become a minister, but he had no taste for theology, and selected the profession of law.

At that period there were few eminent lawyers in New England, nor was there much need of them, their main business being the collection of debts. They were scarcely politicians, since few political questions were agitated outside of parish disputes. Nor had lawyers opportunities of making fortunes when there were no merchant-princes, no grinding monopolies or large corporations, and no great interest outside of agricultural life; when riches were about equally distributed among farmers, mechanics, sailors, and small traders. Young men contemplating a profession generally studied privately with those who were prominent in their respective callings for two or three years after leaving college, and were easily admitted to the bar, or obtained a license to preach, with little expectation of ever becoming rich except by parsimonious saving.

With our modern views, life in Colonial times naturally seems to have been dull and monotonous, with few amusements and almost no travel, no art, not

many luxuries, and the utter absence of what are called "modern improvements." But if life at that time is more closely scrutinized we find in it all the elements of ordinary pleasure, — the same family ties, the same "loves and wassellings," the same convivial circles, the same aspirations for distinction, as in more favored civilizations. If luxuries were limited, people lived in comfortable houses, sat around their big wood-fires, kept up at small cost, and had all the necessities of life, — warm clothing, even if spun and woven and dyed at home, linen in abundance, fresh meat at most seasons of the year, with the unstinted products of the farm at all seasons, and even tea and coffee, wines and spirits, at moderate cost; so that the New Englanders of the eighteenth century could look back with complacency and gratitude on the days when the Pilgrim Fathers first landed and settled in the dreary wilderness, feeling that the "lines had fallen to them in pleasant places," and yet be unmindful that even the original settlers, with all their discomforts and dangers and privations, enjoyed that inward peace and lofty spiritual life in comparison with which all material luxuries are transient and worthless. It is only the divine certitudes, which can exist under any external circumstances, that are of much account in our estimate of human happiness, and it is these which ordinarily escape the attention of historians

when they paint the condition of society. Our admiration and our pity are alike wasted when we turn our eyes to the outward condition of our rural ancestors, so long as we have reason to believe that their souls were jubilant with the benedictions of Heaven; and this joy of theirs is especially noticeable when they are surrounded with perils and hardships.

Such was the state of society when John Adams appeared on the political stage. There were but few rich men in New England, — like John Hancock and John Langdon, both merchants, — and not many who were very poor. The population consisted generally of well-to-do farmers, shopkeepers, mechanics, and fishermen, with a sprinkling of lawyers and doctors and ministers, most of whom were compelled to practise the severest economy, and all of whom were tolerably educated and familiar with the principles on which their rights and liberties rested. Usually they were law-abiding, liberty-loving citizens, with a profound veneration for religious institutions, and contentment with their lot. There was no hankering for privileges or luxuries which were never enjoyed, and of which they never heard. As we read the histories of cities or states, in antiquity or in modern times, we are struck with their similarity, in all ages and countries, in everything which pertains to domestic pleasures, to religious life, to ordinary passions and

interests, and the joys and sorrows of the soul. Homer and Horace, Chaucer and Shakspeare, dwell on the same things, and appeal to the same sentiments.

So John Adams the orator worked on the same material, substantially, that our orators and statesmen do at the present day, and that all future orators will work upon to the end of time, — on the passions, the interests, and the aspirations which are eternally the same, unless kept down by grinding despotism or besotted ignorance, as in Egypt or mediæval Europe, and even then the voice of humanity finds entrance to the heart and soul. "All men," said Rousseau, "are born equal;" and both Adams and Jefferson built up their system of government upon this equality of rights, if not of condition, and defended it by an appeal to human consciousness, — the same in all ages and countries. In regard to these elemental rights we are no more enlightened now than our fathers were a hundred years ago, except as they were involved in the question of negro slavery. When, therefore, Adams began his career as a political orator, it was of no consequence whether men were rich or poor, or whether the country was advanced or backward in material civilization. He spoke to the heart and the soul of man, as Garrison and Sumner and Lincoln spoke on other issues, but involving the same established principles.

Little could John Adams have divined his own future influence and fame when, as a boy on his father's farm in Braintree, he toiled in rural and commonplace drudgeries, or when he was an undistinguished student at Harvard or a schoolmaster in a country village. It was not until political agitations aroused the public mind that a new field was open to him, congenial to his genius.

Still, even when he boarded with his father, a sturdy Puritan, at the time he began the practice of the law at the age of twenty-three, he had his aspirations. Writes he in his diary, "Chores, chat, tobacco, apples, tea, steal away my time, but I am resolved to translate Justinian;" and yet on his first legal writ he made a failure for lack of concentrated effort. "My thoughts," he said, "are roving from girls to friends, from friends to court, and from court to Greece and Rome," — showing that enthusiastic, versatile temperament which then and afterwards characterized him.

Not long after that, he had given up Justinian. "You may get more by studying town-meetings and training-days," he writes. "Popularity is the way to gain and figure." These extracts give no indication of legal ambition.

But in 1761 the political horizon was overcast. There were difficulties with Great Britain. James

Otis had made a great speech, which Adams heard, on what were called "writs of assistance," giving power to the English officers of customs in the Colony to enter houses and stores to search for smuggled goods. This remarkable speech made a deep impression on the young lawyer, and kindled fires which were never extinguished. He saw injustice, and a violation of the rights of English subjects, as all the Colonists acknowledged themselves to be, and he revolted from injustice and tyranny. This was the turning-point of his life; he became a patriot and politician. This, however, was without neglecting his law business, which soon grew upon his hands, for he could make a speech and address juries. Eloquence was his gift. He was a born orator, like Patrick Henry.

In 1765 Parliament passed the Stamp Act, which produced great agitation in New England, and Adams was fired with the prevailing indignation. His whole soul went forth in angry protest. He argued its injustice before Governor Bernard, who, however, was resolved to execute it as the law. Adams was equally resolved to prevent its execution, and appealed to the people in burning words of wrath. Chief-Justice Hutchinson sided with the Governor, and prevented the opening of the courts and all business transactions without stamps. This decision crippled business, and there was great distress on account of it; but

Adams cared less for the injury to people's pockets than for the violation of rights, — *taxation without representation;* and in his voice and that of other impassioned orators this phrase became the key-note of the Revolution.

English taxation of the Colonies was not oppressive, but was felt to be unjust and unconstitutional, — an entering-wedge to future exactions, to which the people were resolved not to submit. They had no idea of separation from England, but, like John Hampden, they would resist an unlawful tax, no matter what the consequences. Fortunately, these consequences were not then foreseen. The opposition of the Colonies to taxation without their own consent was a pure outburst of that spirit of liberty which was born in German forests, and in England grew into Magna Charta, and ripened into the English Revolution. It was a turbulent popular protest. That was all, at first, and John Adams fanned the discontent, with his cousin, Samuel Adams, a greater agitator even than he, resembling Wendell Phillips in his acrimony, boldness, and power of denunciation. The country was aroused from end to end. The "Sons of Liberty" societies of Massachusetts spread to Maryland; the Virginians boldly passed declarations of rights; the merchants of New York, Philadelphia, and Boston resolved to import no English goods; and

nine of the Colonies sent delegates to a protesting Convention in New York. In 1766 the Stamp Act was repealed because it could not be enforced; but Parliament refused to concede its right of taxation, and there was a prospect of more trouble.

John Adams soon passed to the front rank of the patriotic party in Massachusetts. He was eloquent and he was honest. His popularity in Massachusetts Bay was nearly equal to that of Patrick Henry in Virginia, who was even more vehement. The Tories looked upon Adams pretty much as the descendants of the old Federalists looked upon William Lloyd Garrison when he began the anti-slavery agitation, — as a dangerous man, a fanatical reformer. The presence of such a leader was now needed in Boston, and in 1768 Adams removed to that excitable town, which was always ready to adopt progressive views. Soon after, two British regiments landed in the town, and occupied the public buildings with the view of overawing and restraining the citizens, especially in the enforcement of customs duties on certain imported articles. This was a new and worse outrage, but no collision took place between the troops and the people till the memorable "Boston Massacre" on the 5th of March, 1770, when several people were killed and wounded, which increased the popular indignation. It now looked as if the English government

intended to treat the Bostonians as rebels, to coerce them by armed men, to frighten them into submission to all its unwise measures. What a fortunate thing was that infatuation on the part of English ministers! The independence of the Colonies might have been delayed for half-a-century but for the stupidity and obstinacy of George III. and his advisers.

By this time John Adams began to see the logical issue of English persistency in taxation. He saw that it would lead to war, and he trembled in view of the tremendous consequences of a war with the mother-country, from which the Colonies had not yet sought a separation.

Adams was now not only in the front rank of the patriotic party, a leader of the people, but had reached eminence as a lawyer. He was at the head of the Massachusetts bar. In addition he had become a member of the legislature, second to no one in influence. But his arduous labors told upon his health, and he removed to Braintree, where he lived for some months, riding into Boston every day. With restored health from out-door exercise, he returned again to Boston in 1772, purchased a house in Queen Street, opposite the court-house, and renewed his law business, now grown so large that he resigned his seat in the legislature. Politics, however, absorbed his soul, and stirring times were at hand.

In every seaport — Charleston, Annapolis, Philadelphia, New York, Boston — the people were refusing to receive the newly-taxed tea. On the 17th of December, 1773, three shiploads of tea were destroyed in Boston harbor by a number of men dressed as Indians. Adams approved of this bold and defiant act, sure to complicate the relations with Great Britain. In his heart Adams now desired this, as tending to bring about the independence of the Colonies. He believed that the Americans, after ten years of agitation, were strong enough to fight; he wanted no further conciliation. But he did not as yet openly declare his views. In 1774 General Gage was placed at the head of the British military force in Boston, and the port was closed. The legislature, overawed by the troops, removed to Salem, and then chose five men as delegates to the General Congress about to assemble in Philadelphia. John Adams was one of these delegates, and associated with him were Samuel Adams, Thomas Cushing, James Bowdoin, and Robert Treat Paine.

All historians unite in their praises of this memorable assembly, as composed of the picked men of the country. At the meeting of this Congress began the career of John Adams as a statesman. Until then he had been a mere politician, but honest, bold, and talented, in abilities second to no one in the

country, ranking alone with Jefferson in general influence, — certainly the foremost man in Massachusetts.

But it was the vehemence of his patriotism and his inspiring eloquence which brought Adams to the front, rather than his legal reputation. He was not universally admired or loved. He had no tact. His temper was irascible, jealous, and impatient; his manners were cold, like those of all his descendants, and his vanity was inordinate. Every biographer has admitted his egotism, and jealousy even of Franklin and Washington. Everybody had confidence in his honesty, his integrity, his private virtues, his abilities, and patriotism. These exalted traits were no more doubted than the same in Washington. But if he had more brain-power than Washington he had not that great leader's prudence, nor good sense, nor patience, nor self-command, nor unerring instinct in judging men and power of guiding them.

One reason, perhaps, why Adams was not so conciliatory as Jefferson was inclined to be toward England was that he had gone too far to be pardoned. He was the most outspoken and violent of all the early leaders of rebellion except his cousin, Samuel Adams. He was detested by royal governors and the English government. But his ardent temperament and his profound convictions furnish a better reason for his course. All the popular leaders were of course

alive to the probable personal consequences if their cause should not succeed; but fear of personal consequences was the feeblest of their motives in persistent efforts for independence. They were inspired by a loftier sentiment than that, even an exalted patriotism. It burned in every speech they made, and in every conversation in which they took part. If they had not the spirit of martyrdom, they had the spirit of self-devotion to a noble cause. They saw clearly enough the sacrifices they would be required to make, and the calamities which would overwhelm the land. But these were nothing to the triumph of their cause. Of this final triumph none of the great leaders of the Revolution doubted. They felt the impossibility of subduing a nation determined to be free, by such forces as England could send across the ocean. Battles might be lost, like those of William the Silent, but if the Dutch could overflow their dikes, the Americans, as a last resort, could seek shelter in their forests. The Americans were surely not behind the Dutch in the capacity of suffering, although to my mind their cause was not so precious as that of the Hollanders, who had not only to fight against overwhelming forces, but to preserve religious as well as civil liberties. The Dutch fought for religion and self-preservation; the Americans, to resist a tax which nearly all England thought it had a right to impose,

and which was by no means burdensome, — a mooted question in the highest courts of law; at bottom, however, it was not so much to resist a tax as to gain national independence that the Americans fought. It was the Anglo-Saxon love of self-government.

And who could blame them for resisting foreign claims to the boundless territories and undeveloped resources of the great country in which they had settled forever? The real motive of the enlightened statesmen of the day was to make the Colonies free from English legislation, English armies, and English governors, that they might develop their civilization in their own way. The people whom they led may have justly feared the suppression of their rights and liberties; but far-sighted statesmen had also other ends in view, not to be talked about in town-meetings or even legislative halls. As Abraham of old cast his inspired vision down the vista of ages and saw his seed multiplying like the sands of the sea, and all the countries and nations of the world gradually blest by the fulfilment of the promise made to him, so the founders of our republic looked beyond the transient sufferings and miseries of a conflict with their mother-country, to the unbounded resources which were sure to be developed on every river and in every valley of the vast wilderness yet to be explored, and to the teeming populations which

were to arise and to be blessed by the enjoyment of those precious privileges and rights for which they were about to take up the sword. They may not have anticipated so rapid a progress in agriculture, in wealth, in manufactures, in science, in literature and art, as has taken place within one hundred years, to the astonishment and admiration of all mankind; but they saw that American progress would be steady, incalculable, immeasurable, unchecked and ever advancing, until their infant country should number more favored people than any nation which history records, unconquerable by any foreign power, and never to pass away except through the prevalence of such vices as destroyed the old Roman world.

With this encouragement, statesmen like Franklin, Washington, Adams, Jefferson, Hamilton, were ready to risk everything and make any sacrifice to bring about the triumph of their cause, — a cause infinitely greater than that which was advocated by Pitt, or fought for by Wellington. Their eyes rested on the future of America, and the great men who were yet to be born. They well could say, in the language of an orator more eloquent than any of them, as he stood on Plymouth Rock in 1820: —

"Advance, then, ye future generations! We would hail you, as you rise in your long succession to fill the places which we now fill. . . . We bid you welcome to the

healthy skies and the verdant fields of New England. We greet your accession to the great inheritance which we have enjoyed. We welcome you to the blessings of good government and religious liberty. We welcome you to the treasures of science, and the delights of learning. We welcome you to the transcendent sweets of domestic life, to the happiness of kindred, and parents, and children. We welcome you to the immeasurable blessings of rational existence, the immortal hope of Christianity, and the light of everlasting truth!"

John Adams, whose worth and services Daniel Webster, six years after uttering those words, pointed out in Fanueil Hall when the old statesman died, was probably the most influential member of the Continental Congress, after Washington, since he was its greatest orator and its most impassioned character. He led the Assembly, as Henry Clay afterwards led the Senate, and Canning led the House of Commons, by that inspired logic which few could resist. Jefferson spoke of him as "the colossus of debate." It is the fashion in these prosaic times to undervalue congressional and parliamentary eloquence, as a vain oratorical display; but it is this which has given power to the greatest leaders of mankind in all free governments, — as illustrated by the career of such men as Demosthenes, Pericles, Cicero, Chatham, Fox, Mirabeau, Webster, and Clay; and it is rarely called out except in great national crises, amid the storms

of passion and agitating ideas. Jefferson affected to sneer at it, as exhibited by Patrick Henry; but take away eloquence from his own writings and they would be commonplace. All productions of the human intellect are soon forgotten unless infused with sentiments which reach the heart, or excite attention by vividness of description, or the brilliancy which comes from art or imagination or passion. Who reads a prosaic novel, or a history of dry details, if ever so accurate? How few can listen with interest to a speech of statistical information, if ever so useful, — unless illuminated by the oratorical genius of a Gladstone! True eloquence is a gift, as rare as poetry; an inspiration allied with genius; an electrical power without which few people can be roused, either to reflection or action. This electrical power both the Adamses had, as remarkably as Whitefield or Beecher. No one can tell exactly what it is, whether it is physical, or spiritual, or intellectual; but certain it is that a speaker will not be listened to without it, either in a legislative hall, or in the pulpit, or on the platform. And hence eloquence, wherever displayed, is really a great power, and will remain so to the end of time.

At the first session of the Continental Congress in Philadelphia, in 1774, although it was composed of the foremost men in the country, very little was done, except to recommend to the different provinces the

non-importation of British goods, with a view of forcing England into conciliatory measures; at which British statesmen laughed. The only result of this self-denying ordinance was to compel people to wear homespun and forego tea and coffee and other luxuries, while little was gained, except to excite the apprehension of English merchants. Yet this was no small affair in America, for we infer from the letters of John Adams to his wife that the habits of the wealthy citizens of Philadelphia were even then luxurious, much more so than in Boston. We read of a dinner given to Adams and other delegates by a young Quaker lawyer, at which were served ducks, hams, chickens, beef, pig, tarts, cream, custards, jellies, trifles, floating islands, beer, porter, punch, wine, and a long list of other things. All such indulgences, and many others, the earnest men and women of that day undertook cheerfully to deny themselves.

Adams returned these civilities by dining a party on salt fish, — perhaps as a rebuke to the costly entertainments with which he was surfeited, and which seemed to him unseasonable in "times that tried men's souls." But when have Philadelphia Quakers disdained what is called good living?

Adams, at first delighted with the superior men he met, before long was impatient with the deliberations of the Congress, and severely criticised the delegates.

"Every man," wrote he, "upon every occasion must show his oratory, his criticism, and his political abilities. The consequence of this is that business is drawn and spun out to an immeasurable length. I believe, if it was moved and seconded that we should come to a resolution that three and two make five, we should be entertained with logic and rhetoric, law, history, politics, and mathematics; and then — we should pass the resolution unanimously in the affirmative. These great wits, these subtle critics, these refined geniuses, these learned lawyers, these wise statesmen, are so fond of showing their parts and powers as to make their consultations very tedious. Young Ned Rutledge is a perfect bob-o-lincoln, — a swallow, a sparrow, a peacock; excessively vain, excessively weak, and excessively variable and unsteady, jejune, inane, and puerile." Sharp words these! This session of Congress resulted in little else than the interchange of opinions between Northern and Southern statesmen. It was a mere advisory body, useful, however, in preparing the way for a union of the Colonies in the coming contest. It evidently did not "mean business," and "business" was what Adams wanted, rather than a vain display of abilities without any practical purpose.

The second session of the Congress was not much more satisfactory. It did, however, issue a Declara-

tion of Rights, a protest against a standing army in the Colonies, a recommendation of commercial non-intercourse with Great Britain, and, as a conciliatory measure, a petition to the king, together with elaborate addresses to the people of Canada, of Great Britain, and of the Colonies. All this talk was of value as putting on record the reasonableness of the American position: but practically it accomplished nothing, for, even during the session, the political and military commotion in Massachusetts increased; the patriotic stir of defence was evident all over the country; and in April, 1775, before the second Continental Congress assembled (May 10) Concord and Lexington had fired the mine, and America rushed to arms. The other members were not as eager for war as Adams was. John Dickinson of Pennsylvania — wealthy, educated moderate, conservative — was for sending another petition to England, which utterly disgusted Adams, who now had faith only in ball-cartridges, and all friendly intercourse ended between the countries. But Dickinson's views prevailed by a small majority, which chafed and hampered Adams, whose earnest preference was for the most vigorous measures. He would seize all the officers of the Crown; he would declare the Colonies free and independent at once; he would frankly tell Great Britain that they were determined to seek alliances with France and Spain if the war

should be continued; he would organize an army and appoint its generals. The Massachusetts militia were already besieging the British in Boston; the war had actually begun. Hence he moved in Congress the appointment of Colonel George Washington, of Virginia, as commander-in-chief, — much to the mortification of John Hancock, president of the Congress, whose vanity led him to believe that he himself was the most fitting man for that important post.

In moving for this appointment, Adams ran some risk that it would not be agreeable to New England people, who knew very little of Washington aside from his having been a military man, and one generally esteemed; but Adams was willing to run the risk in order to precipitate the contest which he knew to be inevitable. He knew further that if Congress would but, as he phrased it, "adopt the army before Boston" and appoint Colonel Washington commander of it, the appointment would cement the union of the Colonies, — his supreme desire. New England and Virginia were thus leagued in one, and that by the action of all the Colonies in Congress assembled.

Although Mr. Adams had been elected chief-justice of Massachusetts, as its ablest lawyer, he could not be spared from the labors of Congress. He was placed on the most important committees, among others on one to prepare a resolution in favor of instructing the

Colonies to favor State governments, and, later on, the one to draft the Declaration of Independence, with Jefferson, Franklin, Sherman, and Livingston. The special task was assigned to Jefferson, not only because he was able with his pen, but because Adams was too outspoken, too imprudent, and too violent to be trusted in framing such a document. Nothing could curb his tongue. He severely criticised most every member of Congress, if not openly, at least in his confidential letters; while in his public efforts with tongue and pen he showed more power than discretion.

At that time Thomas Paine appeared in America as a political writer, and his florid pamphlet on "Common Sense" was much applauded by the people. Adams's opinion of this irreligious republican is not favorable: "That part of 'Common Sense' which relates to independence is clearly written, but I am bold enough to say there is not a fact nor a reason stated in it which has not been frequently urged in Congress," while "his arguments from the Old Testament to prove the unlawfulness of monarchy are ridiculous."

The most noteworthy thing connected with Adams's career of four years in Congress was his industry. During that time he served on at least one hundred committees, and was always at the front in debating measures of consequence. Perhaps his most memo-

rable service was the share he had in drawing the Articles of Confederation, although he left Philadelphia before his signature could be attached. This instrument had great effect in Europe, since the States proclaimed union as well as independence. It was thenceforward easier for the States to borrow money, although the Confederation was loose-jointed and essentially temporary; nationality was not established until the Constitution was adopted. Adams not only guided the earliest attempts at union at home, but was charged with great labors in connection with foreign relations, while as head of the War Board he had enough both of work and of worry to have broken down a stronger man. Always and everywhere he was doing valuable work.

On the mismanagement of Silas Deane, as an American envoy in Paris, it became necessary to send an abler man in his place, and John Adams was selected, though he was not distinguished for diplomatic tact. Nor could his mission be called in all respects a success. He was too imprudent in speech, and was not, like Franklin, conciliatory with the French minister of Foreign Affairs, who took a cordial dislike to him, and even snubbed him. But then it was Adams who penetrated the secret motives of the Count de Vergennes in rendering aid to America, which Franklin would not believe, or could not see. Nor were the

relations of Adams very pleasant with the veteran Franklin himself, whose merits he conceived to be exaggerated, and of whom it is generally believed he was envious. He was as fussy in business details as Franklin was easy and careless. He thought that Franklin lived too luxuriously and was too fond of the praises of women.

In 1780 Adams transferred his residence to Amsterdam in order to secure the recognition of independence, and to get loans from Dutch merchants; but he did not meet with much success until the surrender of Lord Cornwallis virtually closed the war. He then returned to Paris, in 1782, to assist Franklin and Jay to arrange the treaty of peace with Great Britain, and the acknowledgment of the independence of the States; and here his steady persistency, united with the clear discernment of Jay, obtained important concessions in reference to the fisheries, the navigation of the Mississippi, and American commerce.

Adams never liked France, as Franklin and Jefferson did. The French seemed to him shallow, insincere, egotistical, and swayed by fanciful theories. Ardent as was his love of liberty, he distrusted the French Revolution, and had no faith in its leaders. Nor was he a zealous republican. He saw more in the English Constitution to admire than Americans generally did; although, while he respected English

institutions, he had small liking for Englishmen, as they had for him. In truth, he was a born grumbler, and a censorious critic. He did not like anybody very much, except his wife, and, beyond his domestic circle, saw more faults than virtues in those with whom he was associated. Even with his ardent temperament he had not those warm friendships which marked Franklin and Jefferson.

John Adams found his residence abroad rather irksome and unpleasant, and he longed to return to his happy home. But his services as a diplomatist were needed in England. No more suitable representative of the young republic, it was thought, could be found, in spite of his impatience, restlessness, pugnacity, imprudence, and want of self-control; for he was intelligent, shrewd, high-spirited, and quick-sighted. The diplomatists could not stand before his blunt directness, and he generally carried his point by eloquence and audacity. His presence was commanding, and he impressed everybody by his magnetism and brain-power. So Congress, in 1785, appointed him minister to Great Britain. The King forced himself to receive Adams graciously in his closet, but afterwards he treated him even with rudeness; and of course the social circles of London did the same. The minister soon found his position more uncomfortable even than it had been in Paris. His salary, also, was too small

to support his rank like other ambassadors, and he was obliged to economize. He represented a league rather than a nation, — a league too poor and feeble to pay its debts, and he had to endure many insults on that account. Nor could he understand the unfriendly spirit with which he was received. He had hoped that England would have forgotten her humiliation, but discovered his error when he learned that the States were to be indirectly crushed and hampered by commercial restrictions and open violations of the law of nations. England being still in a state of irritation toward her former colonies, he was not treated with becoming courtesy, and of course had no social triumphs such as Franklin had enjoyed at Paris. Finding that he could not accomplish what he had desired and hoped for, he became disgusted, possibly embittered, and sent in his resignation, after a three years' residence in London, and returned home. Altogether, his career as a diplomatist was not a great success; his comparative failure, however, was caused rather by the difficulties he had to surmount than by want of diplomatic skill. If he was not as successful as had been hoped, he returned with unsullied reputation. He had made no great mistakes, and had proved himself honest, incorruptible, laborious, and patriotic. The country appreciated his services, when, under the new Constitution, the consolidated Union

chose its rulers, and elevated him to the second office in the republic.

The only great flaw in Adams as Vice-President was his strange jealousy of Washington, — a jealousy hardly to be credited were it not for the uniform testimony of historians. But then in public estimation he stood second only to the "Father of his Country." He stood even higher than Hamilton, between whom and himself there were unpleasant relations. Indeed, Adams's dislike of both Hamilton and Jefferson was to some extent justified by unmistakable evidences of enmity on their part. The rivalries and jealousies among the great leaders of the revolutionary period are a blot on our history. But patriots and heroes as those men were, they were all human; and Adams was peculiarly so. By universal consent he is conceded to have been a prime factor in the success of the Revolution. He held back Congress when reconciliation was in the air; he committed the whole country to the support of New England, and gave to the war its indispensable condition of success, — the leadership of Washington; he was called by Jefferson "the Colossus of debate in carrying the Declaration of Independence" and cutting loose from England; he was wise and strong and indefatigable in governmental construction, as well as in maintaining the armies in the field; he accomplished vast labors affecting both

the domestic and foreign relations of the country, and, despite his unpleasant personal qualities of conceit and irritability, his praise was in every mouth. He could well afford to recognize the full worth of every one of his co-laborers. But he did not. Magnanimity was certainly not his most prominent trait.

The duties of a vice-president hardly allow scope for great abilities. The office is only a stepping-stone. There was little opportunity to engage in the debates which agitated the country. The duties of judicially presiding over the Senate are not congenial to a man of the hot temper and ambition of Adams; and when party lines were drawn between the Federalists and Republicans he earnestly espoused the principles of the former. He was in no sense a democrat except in his recognition of popular political rights. He believed in the rule of character, as indicated by intellect and property. He had no great sympathy with the people in their aspirations, although springing from the people himself, — the son of a moderate farmer, no more distinguished than ordinary farmers. He was the first one of his family to reach eminence or wealth. The accusation against him of wishing to introduce a king, lords, and commons was most unjust; but he was at heart an aristocrat, as much as were Hamilton and Gouverneur Morris. And the more his character was scrutinized after he had won

distinction, the less popular he was. His brightest days were when he was inspiring his countrymen by his eloquence to achieve their independence.

In office Adams did not pre-eminently shine, notwithstanding his executive ability and business habits. It is true, the equal division of the Senate on some very important measures, such as the power of the President to remove from office without the consent of the Senate, the monetary policy proposed by Hamilton, and some others, gave him the opportunity by his casting vote to sustain the administration, and thus decide great principles with advantage to the country. And his eight years of comparative quiet in that position were happy and restful ones. But Adams loved praise, flattery, and social position. He was easily piqued, and quickly showed it. He did not pass for what he was worth, since he was apt to show his worst side first, without tact and without policy. But no one ever doubted his devotion to the country any more than his abilities. Moreover, he was too fond of titles, and the trappings of office and the insignia of rank, to be a favorite with plain people,— not from personal vanity, great as that was in him, but from his notions of the dignities of high office, such as he had seen abroad. Hence he recommended to Washington the etiquette of a court, and kept it up himself when he became president. Against this must

be placed his fondness for leaving the capital and running off to make little visits to his farm at Quincy, Massachusetts, where he was always happiest.

I dwell briefly on his career as Vice-President because he had in it so little to do. Nor was his presidency marked by great events, when, upon the completion of Washington's second term, and the refusal of that great man to enter upon a third, Adams was elevated in 1797 to the highest position. The country had settled down to its normal pursuits. There were few movements to arrest the attention of historians.

The most important event of the time was, doubtless, the formation of the two great political parties which divided the nation, one led by Hamilton and the other by Jefferson. They were the natural development of the discussion on adopting the Federal Constitution. The Federalists, composed chiefly of the professional classes, the men of wealth and of social position, and the old officers of the army, wanted a strong central government, protection to infant manufactures, banks and tariffs, — in short, whatever would contribute to the ascendency of intellect and property; the Republicans, largely made up of small farmers, mechanics, and laboring people, desired the extension of the right of suffrage, the prosperity of agriculturists, and State ascendency, and

were fearful of the encroachments of the general government upon the reserved rights of the States and the people at large.

But the leaders of this "people's party," men like the Clintons of the State of New York, were sometimes as aristocratic in their social life as the leaders of the Federalists. During the Revolutionary War the only parties were those who aimed at national independence, and the Royalists, or Tories, who did not wish to sever their connection with the mother-country; but these Tories had no political influence when the government was established under Washington. During his first term of office there was ostensibly but one party. It was not until his second term that there were marked divisions. Then public opinion was divided between those who followed Hamilton, Jay, and Adams, and those who looked up to Jefferson, and perhaps Madison, as leaders in the lines to be pursued by the general government in reference to banks, internal improvements, commercial tariffs, the extension of the suffrage, the army and navy, and other subjects.

The quarrels and animosities between these two parties in that early day have never been exceeded in bitterness. Ministers preached political sermons; the newspapers indulged in unrestricted abuse of public men. The air was full of political slanders, lies, and

misrepresentations. Family ties were sundered, and old friendships were broken. The Federalists were distrustful of the French Revolution, and, finally, hostile to it, while the Republican-Democrats were its violent advocates. In New York nearly every Episcopalian was a Federalist, and in Massachusetts and Connecticut nearly every Congregational minister. Free-thinkers in religion were generally Democrats, as the party gradually came to be called. Farmers were pretty evenly divided; but their "hired hands" were Democrats, and so were most immigrants.

Whatever the difference of opinion among the contending parties, however, they were sincere and earnest, and equally patriotic. The people selected for office those whom they deemed most capable, or those who would be most useful to the parties representing their political views. It never occurred to the people of either party to vote with the view of advancing their own selfish and private interests. If it was proposed to erect a public building, or dig a canal, or construct an aqueduct, they would vote for or against it according to their notions of public utility. They never dreamed of the spoils of jobbery. In other words, the contractors and "bosses" did not say to the people, "If you will vote for me as the superintendent of this public improvement, I will employ you on the works, whether you are industrious and capable, or

idle and worthless." There were then no Tammany Hall politicians or Philadelphia Republican ringsters. The spoils system was unknown. That is an invention of later times. Politicians did not seek office with a view of getting rich. Both Federalists and Democrats sought office to secure either the ascendency of their party or what they deemed the welfare of the country.

As the Democratic leaders made appeals to a larger constituency, consisting of the laboring classes, than the Federalists did, they gradually gained the ascendency. Moreover, they were more united. The Federal leaders quarrelled among themselves. Adams and Hamilton were accused of breaking up their party. Jefferson adhered to his early principles, and looked upon the advance of democratic power as the logical result of the principles of the Declaration of Independence. He had unlimited faith in the instincts and aspirations of the people, and in their ability to rule themselves, while Adams thought that the masses were not able to select their wisest and greatest men for rulers. The latter would therefore restrict the suffrage to men of property and education, while Jefferson would give it to every citizen, whether poor or rich, learned or ignorant.

With such conflicting views between these great undoubted patriots and statesmen, there were increas-

ing alienations, ripening into bitter hostilities. If Adams was the more profound statesman, according to old-fashioned ideas, basing government on the lessons of experience and history, Jefferson was the more astute and far-reaching politician, foreseeing the increasing ascendency of democratic principles. One would suppose that Adams, born on a New England farm, and surrounded with Puritan influences, would have had more sympathy with the people than Jefferson, who was born on a Virginia plantation, and accustomed to those social inequalities which slavery produces. But it seems that as he advanced in years, in experience, and in honors, Adams became more and more imbued with aristocratic ideas,—like Burke, whose early career was marked for liberal and progressive views, but who became finally the most conservative of English statesmen, and recoiled from the logical sequence of the principles he originally advocated with such transcendent eloquence and ability. And Adams, when he became president, after rendering services to his country second only to those of Washington, became saddened and embittered; and even as Burke raved over the French Revolution, so did Adams grow morose in view of the triumphs of the Democracy and the hopeless defeat of his party, which was destined never again to rally except under another name, and then only for a brief period. There

was little of historic interest connected with the administration of John Adams as President of the United States. He held his exalted office only for one term, while his rivals were re-elected during the twenty-four succeeding years of our national history, — all disciples and friends of Jefferson, who followed out the policy he had inaugurated. In general, Adams pursued the foreign policy of Washington, which was that of peace and non-interference. In domestic administration he made only ten removals from office, and kept up the ceremonies which were then deemed essential to the dignity of president.

The interest in his administration centred in the foreign relations of the government. It need not be added that he sympathized with Burke's "Reflections on the French Revolution," — that immortal document which for rhetoric and passion has never been surpassed, and also for the brilliancy with which reverence for established institutions is upheld, and the disgust, hatred, and scorn uttered for the excesses which marked the godless revolutionists of the age. It is singular that so fair-minded a biographer as Parton could see nothing but rant and nonsense in the most philosophical political essay ever penned by man. It only shows that a partisan cannot be an historian any more than can a laborious collector of details, like Freeman, accurate as he may be.

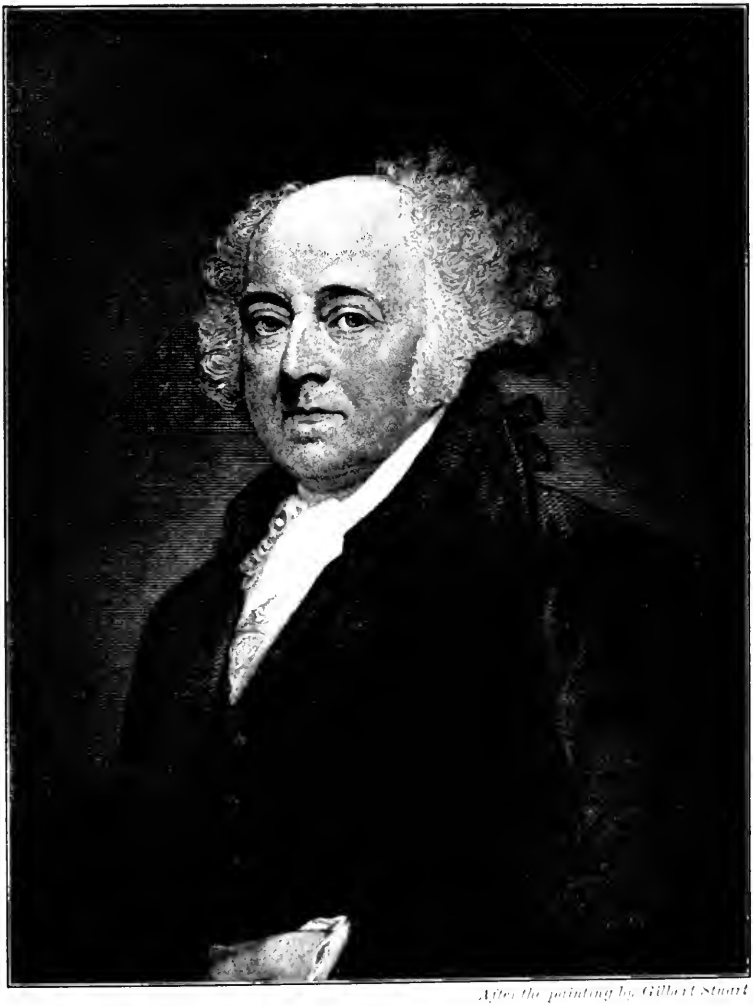
Adams, like Burke, abhorred the violence of those political demagogues who massacred their king and turned their country into a vile shambles of blood and crime; he equally detested the military despotism which succeeded under Napoleon Bonaparte; and the Federalists generally agreed with him, — even the farmers of New England, whose religious instincts and love of rational liberty were equally shocked.

Affairs between France and the United States became then matters of paramount importance. Adams, as minister to Paris, had perceived the selfish designs of the Count de Vergennes, and saw that his object in rendering aid to the new republic had been but to cripple England. And the hollowness of French generosity was further seen when the government of Napoleon looked with utter contempt on the United States, whose poverty and feebleness provoked to spoliations as hard to bear as those restrictions which England imposed on American commerce. It was the object of Adams, in whose hands, as the highest executive officer, the work of negotiation was placed, to remove the sources of national grievances, and at the same time to maintain friendly relations with the offending parties. And here he showed a degree of vigor and wisdom which cannot be too highly commended.

The President was patient, reasonable, and patriotic. He curbed his hot temper, and moderated his just wrath. He averted a war, and gained all the diplomatic advantages that were possible. He selected for envoys both Federalists and Democrats, — the ablest men of the nation. When Hamilton and Jefferson declined diplomatic missions in order to further their ambitious ends at home, who of the statesmen remaining were superior to Marshall, Pinckney, and Gerry? How noble their disdain and lofty their independence when Talleyrand sought from them a bribe of millions to secure his influence with the First Consul! "Millions for defence, not a cent for tribute," are immortal words. And when negotiations failed, and there seemed to be no alternative but war, — and that with the incarnate genius of war, Napoleon, — Adams, pacific as was his policy, set about most promptly to meet the exigency, and recommended the construction of a navy, and the mustering of an army of sixteen thousand men, and even induced Washington to take the chief command once more in defence of American institutions. Although at first demurring to Washington's request, he finally appointed Hamilton, his greatest political rival, to be the second general in command, — a man who was eager for war, and who hoped, through war, to become the leader of the nation, as well as leader of his

party. When, seeing that the Americans would fight rather than submit to insult and injustice, the French government made overtures for peace, the army was disbanded. But Adams never ceased his efforts to induce Congress to take measures for national defence in the way of construction of forts on the coast, and the building of ships-of-war to protect commerce and the fisheries.

In regard to the domestic matters which marked his administration the most important was the enactment of the alien and sedition laws, now generally regarded as Federal blunders. The historical importance of the passage of these laws is that they contributed more than all other things together to break up the Federal party, and throw political power into the hands of the Republicans, as the Democrats were still called. At that time there were over thirty thousand French exiles in the country, generally discontented with the government. With them, liberty meant license to do and say whatever they pleased. As they were not naturalized, they were not citizens; and as they were not citizens, the Federalists maintained that they could not claim the privileges which citizens enjoyed to the full extent, — that they were in the country on sufferance, and if they made mischief, if they fanned discontents, if they abused the President or the members of Congress, they were liable to punishment.



After the painting by Gilbert Stuart

JOHN ADAMS

It must be remembered that the government was not settled on so firm foundations as at the present day; even Jefferson wrought himself to believe that John Adams was aiming to make himself king, and establish aristocratic institutions like those in England. This assumption was indeed preposterous and ill-founded; nevertheless it was credited by many Republicans. Moreover, the difficulties with France seemed fraught with danger; there might be war, and these aliens might prove public enemies. It was probably deemed by the Federalists, governing under such dangers, to be a matter of public safety to put these foreigners under the eyes of the Executive, as a body to be watched, a body that might prove dangerous in the unsettled state of the country.

The Federalists doubtless strained the Constitution, and put interpretations upon it which would not bear the strictest scrutiny. They were bitterly accused of acting against the Constitution. It was averred that everybody who settled in the country was entitled to "life, liberty, and the pursuit of happiness," according to the doctrine taught in the Declaration of Independence. And this was not denied by the Federalists so long as the foreigners behaved themselves; but when they gave vent to extreme liberal sentiments, like the French revolutionists, and became a nuisance, it was deemed right, and a wise precaution,

to authorize the President to send them back to their own countries.

Now it is probable that these aliens were not as dangerous as they seemed; they were ready to become citizens when the suffrage should be enlarged; their discontent was magnified; they were mostly excitable but harmless people, unreasonably feared. Jefferson looked upon them as future citizens, trusted them with his unbounded faith in democratic institutions, and thought that the treatment of them in the Alien Laws was unjust, impolitic, and unkind.

The Sedition Laws were even more offensive, since under them citizens could be fined and imprisoned if they wrote what were called "libels" on men in power; and violent language against men in power was deemed a libel. But all parties used violent language in that fermenting period. It was an era of the bitterest party strife. Everybody was misrepresented who even aimed at office. The newspapers were full of slanders of the most eminent men, and neither Adams, nor Jefferson, nor Hamilton, escaped unjust criminations and the malice of envenomed tongues. All this embittered the Federalists, then in the height of their power. In both houses of Congress the Federalists were in a majority. The Executive, the judges, and educated men generally, were Federalists. Men in power are apt to abuse it.

It is easy now to see that the Alien and Sedition Laws must have been exceedingly unpopular; but the government was not then wise enough to see the logical issue. Jefferson and his party saw it, and made the most of it. In their appeals to the people they inflamed their prejudices and excited their fears. They made a most successful handle of what they called the violation of the Constitution and the rights of man; and the current turned. From the day that the obnoxious and probably unnecessary laws were passed, the Federal party was doomed. It lost its hold on the people. The dissensions and rivalries of the Federal leaders added to their discomfiture. What they lost they never could regain. Only war would have put them on their feet again; and Adams, with true patriotism, while ready for necessary combat, was opposed to a foreign war for purposes of domestic policy.

Yet the ambitious statesman did not wish to be dethroned. He loved office dearly, and hence he did not yield gracefully to the triumph of the ascendent party, which grew stronger every day. And when their victory was assured and his term of office was about to expire, he sat up till twelve o'clock the last night of his term, signing appointments that ought to have been left to his successors. Among these appointments was that of John Marshall, his Secre-

tary of State, to be Chief Justice of the Supreme Court, — one that reflected great credit upon his discernment, in spite of its impropriety, for Marshall's name is one of the greatest in the annals of our judiciary. On the following morning, before the sun had risen, the ex-president was on his way to Braintree, not waiting even for the inauguration ceremonies that installed Jefferson in the chair which he had left so unwillingly, and giving vent to the bitterest feelings, alike unmanly and unreasonable.

I have not dwelt on the minor events of his presidency, such as his appointments to foreign missions, since these did not seriously affect the welfare of the country. I cannot go into unimportant events and quarrels, as in the case of his dismissal of Pickering and other members of his Cabinet. Such matters belong to the historians, especially those who think it necessary to say everything they can, — to give minute details of all events. These small details, appropriate enough in works written for specialists, are commonly dry and uninteresting; they are wearisome to the general reader, and are properly soon forgotten, as mere lumber which confuses rather than instructs. No historian can go successfully into minute details unless he has the genius of Macaulay. On this rock Freeman, with all his accuracy, was wrecked; as an historian he can claim only a sec-

ondary place, since he had no eye to proportion, — in short, was no artist, like Froude. He was as heavy as most German professors, to whom one thing is as important as another. Accuracy on minute points is desirable and necessary, but this is not the greatest element of success in an historian.

Some excellent writers of history think that the glory of Adams was brightest in the period before he became president, when he was a diplomatist, — that as president he made great mistakes, and had no marked executive ability. I think otherwise. It seems to me that his special claims to the gratitude of his country must include the wisdom of his administration in averting an entangling war, and guiding the ship of state creditably in perplexing dangers; that in most of his acts, while filling the highest office in the gift of the people, he was patient, patriotic, and wise. We forget the exceeding difficulties with which he had to contend, and the virulence of his enemies. What if he was personally vain, pompous, irritable, jealous, stubborn, and fond of power? These traits did not swerve him from the path of duty and honor, nor dim the lustre of his patriotism, nor make him blind to the great interests of the country as he understood them, — the country whose independence and organized national life he did so much to secure. All cavils are wasted, and worse than wasted, on such

a man. His fame will shine forevermore, in undimmed lustre, to bless mankind. Small is that critic who sees the defects, but has no eye for the splendors, of a great career!

There is but little more to be said of Adams after the completion of his term of office. He retired to his farm in Quincy, a part of Braintree, for which he had the same love that Washington had for Mount Vernon, and Jefferson for Monticello. In the placid rest of agricultural life, and with a comfortable independence, his later days were spent. The kindly sentiments of his heart grew warmer with leisure, study, and friendly intercourse with his town's-people. He even renewed a pleasant correspondence with Jefferson. He took the most interest, naturally, in the political career of his son, John Quincy Adams, whom he persuaded to avoid extremes, so that it is difficult to say with which political party he sympathized the most. *In mediis tutissimus ibis.*

In tranquil serenity the ex-president pondered the past, and looked forward to the future. His correspondence in the dignified retirement of his later years is most instructive, showing great interest in education and philanthropy. He was remarkably blessed in his family and in all his domestic matters, — the founder of an illustrious house, eminent for four successive generations. His wife, who died

in 1818, was one of the most remarkable women of the age, — his companion, his friend, and his counsellor, — to whose influence the greatness of his son, John Quincy, is in no small degree to be traced.

Adams lived twenty-five years after his final retirement from public life, in 1801, surrounded by his children and grandchildren, dividing his time between his farm, his garden, and his library. He lived to see his son president of the United States. He lived to see the complete triumph of the institutions he had helped to establish. He enjoyed the possession of all his faculties to the last, and his love of reading continued unabated to the age of ninety-one, when he quietly passed away, July 4, 1826. His last prayer was for his country, and his last words were, — "Independence forever!"

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THOMAS JEFFERSON.

1743–1826.

POPULAR SOVEREIGNTY.

THOMAS JEFFERSON.

POPULAR SOVEREIGNTY.

THIS illustrious statesman was born April 13, 1743, at "Shadwell," his father's home, among the mountains of Central Virginia, about one hundred and fifty miles from Williamsburg. His father, Peter Jefferson, did not belong to the patrician class, as the great planters called themselves, but he owned a farm of nineteen hundred acres, cultivated by thirty slaves, and raised wheat. What aristocratic blood flowed in young Jefferson's veins came from his mother, who was a Randolph, of fine presence and noble character.

At seventeen, the youth entered the College of William and Mary at Williamsburg, after having been imperfectly fitted at a school kept by a Mr. Maury, an Episcopal clergyman. He was a fine-looking boy, ruddy and healthy, with no bad habits, disposed to improve his mind, which was naturally inquisitive, and having the *entrée* into the good society

of the college town. Williamsburg was also the seat of government for the province, where were collected for a few months in the year the prominent men of Virginia, as members of the House of Burgesses. In this attractive town Jefferson spent seven years, — two in the college, studying the classics, history, and mathematics (for which he had an aptitude), and five in the law-office of George Wythe, — thus obtaining as good an education as was possible in those times. He amused himself by playing on a violin, dancing in gay society, riding fiery horses, and going to the races. Although he was far from rich, he had as much money as was good for him, and he turned it to good advantage, — laying the foundation of an admirable library. He cultivated the society of the brightest people. Among these were, John Page, afterwards governor of Virginia; Dr. Small, the professor of mathematics at the college, afterwards the friend of Darwin at Birmingham; Edmund Randolph, an historic Virginian; Francis Fauquier, the lieutenant-governor of the province, said to be a fine scholar and elegant gentleman of the French school, who introduced into Virginia the writings of Voltaire, Rousseau, and Diderot — as well as high play at cards; George Wythe, a rising lawyer of great abilities; John Burk, — the historian of Virginia; and lastly, Patrick Henry, — rough, jolly, and lazy. From such associates, all dis-

tinguished sooner or later, Jefferson learned much of society, of life, and literature. At college, as in after-life, his forte was writing. Jefferson never, to his dying day, could make a speech. He could talk well in a small circle of admirers and friends, and he held the readiest pen in America, but he had no eloquence as a speaker, which, I think, is a gift like poetry, seldom to be acquired; and yet he was a great admirer of eloquence, without envy and without any attempts at imitation. A constant reader, studious, reflective, inquisitive, liberal-minded, slightly visionary, in love with novelties and theories, the young man grew up, — a universal favorite, both for his accomplishments, and his almost feminine gentleness of temper, which made him averse to anything like personal quarrels. I do not read that he ever persistently and cordially hated and abused but one man, — the greatest political genius this country has ever known, — and hated even him rather from divergence of political views than from personal resentment.

As Jefferson had no landed property sufficiently large to warrant his leading the life of a leisurely country gentleman, — the highest aspiration of a Virginian aristocrat in the period of entailed estates, — it was necessary for him to choose a profession, and only that of a lawyer could be thought of by

a free-thinking politician, — for such he was from first to last. Indeed, politics ever have been the native air which Southern gentlemen have breathed for more than a century. Since political power, amid such social distinctions and inequalities as have existed in the Southern States, necessarily has been confined to the small class, the Southern people have always been ruled by a few political leaders, — more influential and perhaps more accomplished than any corresponding class at the North. Certainly they have made more pretensions, being more independent in their circumstances, and many of them educated abroad, as are the leaders in South American States at the present day. The heir to ten thousand or twenty thousand acres, with two hundred negroes, in the last century, naturally cultivated those sentiments which were common to great landed proprietors in England, especially pride of birth.

It is remarkable that Jefferson, with his surroundings, should have been so early and so far advanced in his opinions about the rights of man and political equality; but then he was by birth only halfway between the poor whites and the patrician planters; moreover, he was steeped in the philosophy of Rousseau, having sentimental proclivities, and a leaning to humanitarian theories, both political and social.

Jefferson was admitted to the bar in 1767, after five years in Wythe's office. He commenced his practice at a favorable time for a lawyer, in a period of great financial embarrassments on the part of the planters, arising from their extravagant and ostentatious way of living. They lived on their capital rather than on their earnings, and even their broad domains were nearly exhausted by the culture of tobacco, — the chief staple of Virginia, which also had declined in value. It was almost impossible for an ordinary planter to make two ends meet, no matter how many acres he cultivated and how many slaves he possessed; for he had inherited expensive tastes, a liking for big houses and costly furniture and blooded horses, and he knew not where to retrench. His pride prevented him from economy, since he was socially compelled to keep tavern for visitors and poor relations, without compensation. Hence, nearly all the plantations were heavily encumbered, whether great or small. The planter disdained manual labor, however poor he might be, and every year added to his debts. He lived in comparative idleness, amusing himself with horse-races, hunting, and other "manly sports," such as became country gentlemen in the "olden time." The real poverty of Virginia was seen in the extreme difficulty of raising troops for State or national defence in times of greatest peril. The calls of patriotism were

not unheeded by the "chivalry" of the South; but what could patriotic gentlemen do when their estates were wasting away by litigation and unsuccessful farming?

It was amid such surroundings that Jefferson began his career. Although he could not make a speech, could hardly address a jury, he had sixty-eight cases the first year of his practice, one hundred and fifteen the second, one hundred and ninety-eight the third. He was, doubtless, a good lawyer, but not a remarkable one, law business not being to his taste. When he had practised seven years in the general court his cases had dropped to twenty-nine, but his office business had increased so as to give him an income of £400 from his profession, and he received as much more from his estate, which had swelled to nearly two thousand acres. His industry, his temperance, his methodical ways, his frugality, and his legal research, had been well rewarded. While not a great lawyer, he must have been a studious one, for his legal learning was a large element in his future success. At the age of thirty-one he was a prominent citizen, a good office lawyer, and a rising man, with the confidence and respect of every one who knew him, — and withal, exceedingly popular from his plain manners, his modest pretensions, and patriotic zeal. He was not then a particularly marked man, but was on the road to dis-

tinction, since a new field was open to him, — that of politics, for which he had undoubted genius. The distracted state of the country, on the verge of war with Great Britain, called out his best energies. While yet but a boy in college he became deeply interested in the murmurings of Virginia gentlemen against English misgovernment in the Colonies, and early became known as a vigorous thinker and writer with republican tendencies. William Wirt wrote of him that "he was a republican and a philanthropist from the earliest dawn of his character." He entered upon the stormy scene of politics with remarkable zeal, and his great abilities for this arena were rapidly developed.

Jefferson's political career really dates from 1769, when he entered the House of Burgesses as member for Albermarle County in the second year of his practice as a lawyer, after a personal canvass of nearly every voter in the county, and supplying to the voters, as was the custom, an unlimited quantity of punch and lunch for three days. The Assembly was composed of about one hundred members, "gentlemen" of course, among whom was Colonel George Washington. The Speaker was Peyton Randolph, a most courteous aristocrat, with great ability for the duties of a presiding officer. Among other prominent members were Mr. Pendleton, Colonel Bland, and Mr. Nicholas, leading

lawyers of the province. Mr. Jefferson, though still a young man, was put upon important committees, for he had a good business head, and was ready with his pen.

In 1772 Mr. Jefferson married a rich widow, who brought him forty thousand acres and one hundred and thirty-five slaves, so that he now took his place among the wealthy planters, although, like Washington, he was only a yeoman by birth. With increase of fortune he built "Monticello," on the site of "Shadwell," which had been burned. It was on the summit of a hill five hundred feet high, about three miles from Charlottesville; but it was only by twenty-five years' ceaseless nursing and improvement that this mansion became the finest residence in Virginia, with its lawns, its flower-beds, its walks, and its groves, adorned with perhaps the finest private library in America. No wonder he loved this enchanting abode, where he led the life of a philosopher.

But stirring events soon called him from this retreat. A British war vessel, in Narragansett Bay, in pursuit of a packet which had left Newport for Providence without permission, ran aground about seventeen miles from the latter town, and was burned by disguised Yankee citizens, indignant at the outrages which had been perpetrated by this armed schooner on American commerce. A reward of £500 was offered for the dis-

covery of the perpetrators; and the English government, pronouncing this to be an act of high treason, passed an ordinance that the persons implicated in the act should be transported to England for trial. This decree struck at the root of American liberties, and aroused an indignation which reached the Virginian legislature, then assembled at Williamsburg. A committee was appointed to investigate the affair, composed of Peyton Randolph, R. C. Nicholas, Richard Henry Lee, Benjamin Harrison, Edmund Pendleton, Patrick Henry, and Thomas Jefferson, — all now historic names, — mostly lawyers, but representatives of the prominent families of Virginia and leaders of the Assembly. Indignant Resolutions were offered, and copies were sent to the various Colonial legislatures. This is the first notice of Jefferson in his political career.

In 1773, with Patrick Henry and some others, Jefferson originated the Committee of Correspondence, which was the beginning of the intimate relations in common political interest among the Colonies. In 1774 the House of Burgesses was twice dissolved by the royal governor, and Jefferson was a member of the convention to choose delegates to the first Continental Congress; while in the same year he published a "Summary View of the Rights of British America," — a strong plea for the right to resist English taxation.

In 1775 we find Jefferson a member of the Colonial Convention at which Patrick Henry, also a member, made the renowned war speech: "Give me liberty, or give me death." Those burning words of the Virginia orator penetrated the heart of every farmer in Massachusetts, as they did the souls of the Southern planters. In a few months the royal government ceased to exist in Virginia, the governor, Dunmore, having retreated to a man-of-war, and Jefferson had become a member of the Continental Congress at its second session in Philadelphia, with the reputation of being one of the best political writers of the day, and an ardent patriot with very radical opinions.

Even then hopes had not entirely vanished of a reconciliation with Great Britain, but before the close of the year the introduction of German mercenaries to put down the growing insurrection satisfied everybody that there was nothing left to the Colonies but to fight, or tamely submit to royal tyranny. Preparations for military resistance were now made everywhere, especially in Massachusetts, and in Virginia, where Jefferson, who had been obliged by domestic afflictions to leave Congress in December, was most active in raising money for defence, and in inspiring the legislature to set up a State government. When Jefferson again took his seat in Congress, May 13, 1776, he was put upon the committee to draft

After the painting by Rothermel

PATRICK HENRY'S SPEECH IN THE HOUSE OF BURGESSES

a Declaration of Independence, composed, as already noted, of John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston, besides himself. To him, however, was intrusted by the committee the labor and the honor of penning the draft, which was adopted with trifling revision. He was always very proud of this famous document, and it was certainly effective. Among the ordinary people of America he is, perhaps, better known for this rather rhetorical piece of composition than for all his other writings put together. It was one of those happy hits of genius which make a man immortal, — owing, however, no small measure of its fame to the historic importance of the occasion that called it forth. It was publicly read on every Fourth-of-July celebration for a hundred years. It embodied the sentiments of a great people not disposed to criticism, but ready to interpret in a generous spirit; it had, at the time, a most stimulating effect at home, and in Europe was a revelation of the truth about the feeling in America.

From the 4th of July, 1776, Thomas Jefferson became one of the most prominent figures identified with American Independence, by reason of his patriotism, his abilities, and advanced views of political principles, though as inferior to Hamilton in original and comprehensive genius as he was superior to him in the arts and foresight of a political leader. He

better understood the people than did his great political rival, and more warmly sympathized with their conditions and aspirations. He became a typical American politician, not by force of public speaking, but by dexterity in the formation and management of a party. Both Patrick Henry and John Adams were immeasurably more eloquent than he, but neither touched the springs of the American heart like this quiet, modest, peace-loving, far-sighted politician, since he, more than any other man of the Revolutionary period, was jealous of aristocratic power. Hamilton, Jay, Gouverneur Morris, were aristocrats who admired the English Constitution, and would have established a more vigorous central government. Jefferson was jealous of central power in the hands of aristocrats. So indeed was Patrick Henry, whose outbursts of eloquence thrilled all audiences alike, — the greatest natural orator this country has produced, if Henry Clay may be excepted; but he was impractical, and would not even endorse the Constitution which was afterwards adopted, as not guarding sufficiently what were called natural rights and the independence of the States. This ultimately led to an alienation between these great men, and to the disparagement of Henry by Jefferson as a lawyer and statesman, when he was the most admired and popular man in Virginia, and "had only to say 'Let

this be law,' and it was law, — when he ruled by his magical eloquence the majority of the Assembly, and when his edicts were registered by that body with less opposition than that of the Grand Monarque himself from his subservient parliaments." Had he shown any fitness for military life, Patrick Henry would doubtless have been intrusted with an important command; but, like Jefferson, his talents were confined to civic affairs alone. Moreover, it is said that he was lazy and fond of leisure, and that it was only when he was roused by powerful passions or a great occasion that his extraordinary powers bore all before him in an irresistible torrent, as did the eloquence of Mirabeau in the National Convention.

Contemplative men of studious habits and a philosophical cast of mind are apt to underrate the genius which sways a popular assembly. Hence, Jefferson thought Henry superficial. But in spite of the defects of his early education, Henry's attainments were considerable, and the profoundest lawyers, like Wirt, Nicholas, and Jay, acknowledged his great forensic ability. Washington always held him in great esteem and affection; and certainly had Henry been a shallow lawyer, Washington, whose judgment of men was notably good, would not have offered him the post of Chief-Justice of the Supreme Court, — although, as Jefferson sneeringly said, "he knew it would be refused."

Jefferson declined a re-election to the third Continental Congress, and in September, 1776, retired to his farm; but only for a short time, since in October we find him in the Virginia House of Delegates, and chairman of the most important committees, especially that on the revision of the laws of the State. His work in the State legislature was more important than in Congress, since it was mainly through his influence that entails were swept away, and even the law of primogeniture. Instead of an aristocracy of birth and wealth, he would build up one of virtue and talent. He also assaulted State support of the Episcopal Church — which was in Virginia "the Established Church" — as an engine of spiritual tyranny, and took great interest in all matters of education, formulating a system of common schools, which, however, was never put into practice. He was also opposed to slavery, having the conviction that the day would come when the negroes would be emancipated. He had before this tried to induce the Virginia law-makers to legalize manumission, and in 1778 succeeded in having them forbid importation of slaves. Dr. James Schouler's (1893) "Life of Jefferson" says that the mitigation and final abolishment of slavery were among his dearest ambitions, and adduces in illustration the failure of his plan in 1784 for organizing the Western territories because it pro-

vided for free States south as well as north of the Ohio River, and also his successful efforts as President to get Congress to abolish slave importation in 1806–7. His warnings as to what must happen if emancipation were not in some way provided for are familiar, as fulfilled prophecy.

After two years at State law-making Jefferson succeeded Patrick Henry as governor of Virginia, in the summer of 1779. But although his administration was popular, it was not marked as pre-eminently able. He had no military abilities for such a crisis in American affairs, nor even remarkable executive talent. He was a man of thought rather than of action. His happiest hours were spent in his library. He did not succeed in arousing the militia when the English were already marching to the seat of government, and when the Cherokee Indians were threatening hostilities on the southwestern border. Nor did he escape the censure of members of the legislature, which greatly annoyed and embittered him, so that he seriously thought of retiring from public life.

In 1782, on the death of his wife, whom he tenderly loved, we find him again for a short time in Congress, which appointed him in 1784, as additional agent to France with Franklin and Adams to negotiate commercial treaties. On the return of Franklin he was accredited sole minister to France, to succeed that

great diplomatist. He remained in France five years, much enamoured with French society, as was Franklin, in spite of his republican sentiments. He hailed, with all the transport his calm nature would allow, the French Revolution, and was ever after a warm friend to France until the Genet affair, when his eyes were partially opened to French intrigues and French arrogance. But the principles which the early apostles of revolution advocated were always near his heart. These he never repudiated. It was only the excesses of the Revolution which filled him with distrust.

In regard to the Revolution on the whole, he took issue with Adams, Hamilton, Jay, and Morris, and with the sober judgment of the New England patriots. England he detested from first to last, and could see no good in her institutions, whether social, political, or religious. He hated the Established Church even more than royalty, as the nurse of both superstition and spiritual tyranny. Even the Dissenters were not liberal enough for him. He would have abolished, if he could, all religious denominations and organizations. Above all things he despised the etiquette and pomp of the English Court, as relics of mediæval feudalism. To him there was nothing sacred in the person or majesty of a king, who might be an idiot or a tyrant. He somewhere remarks that in all Europe not one king in twenty has ordinary intelligence.

With such views, he was a favorite with the savants of the French Revolution, as much because they were semi-infidels as because they were opposed to feudal institutions. The great points of diplomacy had already been settled by Franklin, and he had not much to do in France, although his talents as a diplomatist were exceptional, owing to his coolness, his sagacity, his learning, and his genial nature. There was nothing austere about him, as there was in Adams. His manners, though simple, were courteous and gentlemanly. He was diligent in business, and was accessible to everybody. No American was more likely to successfully follow Franklin than he, from his desire to avoid broils, and the pacific turn of his mind. In this respect he was much better fitted to deal with the Count de Vergennes than was John Adams, whose suspicious and impetuous temper was always getting him into trouble, not merely with the French government, but with his associates.

And yet Adams doubtless penetrated the ulterior designs of France with more sagacity than either Franklin or Jefferson. They now appear, from the concurrent views of historians, to have been to cripple England rather than to help America. It cannot be denied that the French government rendered timely and essential aid to the United States in their struggle with Great Britain, for which Americans should be

grateful, whatever motives may have actuated it. Possibly Franklin, a perfect man of the world as well as an adroit diplomatist, saw that the French Government was not entirely disinterested; but he wisely held his tongue, and gave no offence, feeling that half a loaf was better than no loaf at all; but Adams could not hold his tongue for any length of time, and gave vent to his feelings; so that in his mission he was continually snubbed, and contrived to get himself hated both by Vergennes and Franklin. "He split his beetle when he should have splitted the log." He was honest and upright to an extraordinary degree; but a diplomatist should have tact, discretion, and prudence. Nor is it necessary that he should lie. Jefferson, like Franklin, had tact and discretion. It really mattered nothing in the final result, even if Vergennes had in view only the interests of France; it is enough that he did assist the Americans to some extent. Adams was a grumbler, and looked at the motives of the act rather than the act itself, and was disposed to forget the obligation altogether, because it was conferred from other views than pure generosity. Moreover, it is gratefully remembered that many persons in France, like La Fayette, were generous and magnanimous toward Americans, through genuine sympathy with a people struggling for liberty.

In reference to the service that Jefferson rendered to his country as minister to France we notice his persistent efforts to suppress the piracy of the Barbary States on the Mediterranean. Although he loved peace he preferred to wage an aggressive war on these pirates rather than to submit to their insults and robberies, as most of the European States did by giving them tribute. But the new American Confederation was too weak financially to support his views, and the piracy and tribute continued until Captain Decatur bombarded Tripoli and chastised Algiers, during Jefferson's presidency, 1803–4. As minister, Jefferson also attempted to remove the shackles on American trade; which, however, did not meet the approval of the Morrises and other protectionists and monopolists in the tobacco trade.

But it was by his unofficial labors at this time that Jefferson benefited his country more than by his official acts as a negotiator. These labors were great, and took up most of his time; they included sending information to his countrymen of all that was going on of importance in the realms of science, art, and literature, giving advice and assistance to the unfortunate, sending seeds and machines and new inventions to America, and acquainting himself with all improvements in agriculture, especially in the culture of rice. He travelled extensively in most of the

countries of Europe, always with his eyes open to learn something useful; one result of which was to deepen his disgust with the institutions of the Old World, and increase his admiration for those of his own country. He doubtless attached too much importance to the political systems of Europe in producing the degradation he saw among the various peoples, even as he too impulsively considered republicanism the source of all good in governments. He was on pleasant terms with the different diplomatic corps, and lived in the easy and profuse style of Virginia planters, — giving few grand dinners, but dispensing a generous hospitality to French visitors as well as to all Americans who called on him. The letters he wrote were innumerable. No public man ever left to posterity more of the results of his observations and thought. Interesting himself in everything and everybody, and freely communicating his ideas in correspondence, he had a wide influence while living, and his ideas have been suggestive and fruitful to thoughtful students of the public interest ever since.

After five years' residence in France, he returned home, a much more intelligent and cultivated man than when he arrived in Paris, which never lost its charm for him, in spite of its political convulsions, its irreligion, and its social inequality. He came back

to Monticello as on a visit only, expecting to return to his post. But another destiny awaited him. Washington required his services in the first Cabinet as Secretary of State for foreign affairs, — a part for which his diplomatic career had admirably qualified him, as well as his general abilities.

The seat of government was then at New York, and Jefferson occupied a house in Maiden Lane, while Hamilton, as Secretary of the Treasury, lived in Pine street. Jefferson's salary was $3,500 a year, five hundred more than Hamilton received; but it is not to be supposed that either lived on his official income. The population of the city was then but thirty-five thousand, and only a few families — at the head of which were the Schuylers, the Livingstons, the Van Rensselaers, and the Morrises — constituted what is called "Society," which was much more ceremonious than at the present day, and more exclusive. All the great officers of the new government were aristocratic and stately, even inaccessible, except Jefferson; and many of the fashions, titles, and ceremonies of European courts were kept up. The factotum of the President signed himself as "Steward of the Household," while Washington himself rode to church in a coach and six, attended by outriders. Great functionaries were called "Most Honorable," and their wives were addressed as "Lady" So-and-So. The most

confidential ministers dared not assume any familiarity with the President. He was not addressed as "Mr. President," but as "Your Excellency," and even that title was too democratic for the taste of John Adams, who thought it lowered the president to the level of a governor of Bermuda, or one of his own secretaries.

Only four men constituted the Cabinet of Washington; but the public business was inconsiderable compared with these times, and Jefferson in the State Department had only four clerks under him. Still, he was a very busy man, as many questions of importance had to be settled. "We are in a wilderness without a footstep to guide us," wrote Madison to Jefferson in reference to Congress. And it applied to the executive government as well as to Congress. Neither the Executive nor the Legislature had precedents to guide them, and everything was in a tangle; there was scarcely any money in the country, and still less in the treasury. Even the President, one of the richest men in the country, if not the richest, had to raise money at two per cent a month to enable his "steward of the household" to pay his grocer's bills, — and all the members of his Cabinet had to sacrifice their private interests in accepting their new positions.

The head of a department was not so great a personage, in reality, as at the present day, and yet very

few men were capable of performing the duties of their position. Probably Alexander Hamilton was the only man in the country then fit to be Secretary of the Treasury, and Jefferson the only man available to be Secretary of State, since Adams was in the vice-presidential chair; and these two men Washington was obliged to retain, in spite of their mutual hostilities and total disagreement on almost every subject presented to their consideration. In nothing were the patience, the patriotism, and the magnanimity of Washington more apparent than in his treatment of these two rival statesmen, perpetually striving to conciliate them, hopelessly attempting to mix oil with water, — the one an aristocratic financier, who saw national prosperity in banks and money and central power; the other a democratic land-owner, who looked upon agriculture as the highest interest, and universal suffrage as the only safe policy for a republic. Between the theories of these rivals, Washington had to steer the ship of state, originating nothing himself, yet singularly clear in his judgment both of men and measures. He was governed equally by the advice of both, since they worked in different spheres, and were not rivals in the sense that Burr and Jefferson were, — that is, leaders in the same party and competitors for the same office.

In regard to the labors and services of Jefferson in

the Department of State, he was cautious, conciliatory, and peace-loving, "neither a fanatic nor an enthusiast," enlightened by twenty-five years of discussion on the principles of law and government, and a practical business man. It required all his tact to prevent entangling foreign alliances, and getting into hot water with both France and England; for neither power had any respect for the new commonwealth, and each seemed inclined to take all the advantage it could of American weakness and inexperience. They were constantly guilty of such offences as the impressment of our seamen, paper blockades, haughty dictation, and insolent treatment of our envoys, having an eye all the while to the future dismemberment of the States, and the rich slices of territory both were likely to acquire in the South and West. At that time there was no navy, no army to speak of, and no surplus revenue. There were irritating questions to be settled with England about boundaries, and the occupation of military posts which she had agreed to evacuate. There were British intrigues with Indians in the interior to make disturbance, while on the borders the fur-trade and fisheries were unsettled. There were debts to be paid from American to English merchants, which were disputed, and treaties to be made, involving all the unsettled principles of political economy, as insoluble apparently to-day as they were one hundred years ago. There

were unjust restrictions on American commerce of the most irritating nature, for American vessels were still excluded from West India ports, and only such products were admitted as could not be dispensed with. Such articles as whale oil, salt fish, salt provisions, and grain itself, could not be exported to any town in England. In France a new spirit seemed to animate the government against America, a disposition to seize everything that was possible, and to dictate in matters with which they had no concern, — even in relation to our own internal affairs, as in the instructions furnished to Genet, whose unscrupulous audacity and meddling intrigues at last exhausted the patience of both Washington and Jefferson.

But the most important thing that happened, of historical interest, when Jefferson was Secretary of State, was the origination of the Republican, or Democratic party, as it was afterwards called, in opposition to the Federal party, led by Hamilton, Jay, and Gouverneur Morris. Of this new party Jefferson was the undisputed founder and life. He fancied he saw in the measures of the Federal leaders a systematic attempt to assimilate American institutions, as far as possible, to those of Great Britain. He looked upon Hamilton as a royalist at heart, and upon his bank, with other financial arrangements, only as an engine to control votes and centralize power at the expense of the

States. He entered into the arena of controversial politics, wrote for the newspapers, appealed to democratic passions, and set in motion a net-work of party machinery to influence the votes of the people, foreseeing the future triumph of his principles. He pulled political wires with as much adroitness and effect as Van Buren in after-times, so that the statesman was lost in the politician.

But Jefferson was not a vulgar, a selfish, or a scheming politician. Though ambitious for the presidency, in his heart he preferred the quiet of Monticello to any elevation to which the people could raise him. What he desired supremely was the triumph of democratic principles, since he saw in this triumph the welfare of the country, — the interests of the many against the ascendency of the few, — the real reign of the people, instead of the reign of an aristocracy of money or birth. Believing that the people knew, or ought to know, their own interests, he was willing to intrust them with unlimited political power. The Federalist leaders saw in the ascendency of the people the triumphs of demagogy, the ignoring of experience in government, the reign of passions, unenlightened measures leading to financial and political ruin, and would therefore restrict the privilege, or, as some would say, the right, of suffrage.

In such a war of principles the most bitter ani-

mosities were to be expected, and there has never been a time when such fierce party contests disgraced the country as at the close of Washington's administration, if we except the animosities attending the election of General Jackson. It was really a war between aristocrats and plebeians, as in ancient Rome; and, as at Rome, every succeeding battle ended in the increase of power among the democracy. At the close of the administration of President Adams the Federal party was destroyed forever. It is useless to speculate as to which party was in the right. Probably both parties were right in some things, and wrong in others. The worth of a strong government in critical times has been proved by the wholesome action of such an autocrat as Jackson in the Nullification troubles with South Carolina, and the successful maintenance of the Union by the power-assuming Congress during the Rebellion; while Jackson's autocracy in general, and the centralizing tendency of Congressional legislation since 1865, are instances of the complications likely to arise from too strong a government in a country where the people are the final source of power. The value of universal suffrage — the logical result of Jefferson's views of government — is still an open question, especially in cities. But whether good or bad in its ultimate results, the victory was decisive on the part of the

democracy, whose main principle of "popular sovereignty" has become the established law of the land, and will probably continue to rule as long as American institutions last.

The questions since opened have been in regard to slavery, — in ways which Jefferson never dreamed of, — the comparative power of the North and South, matters of finance, tariffs, and internal improvements, involving the deepest problems of political economy, education, and constitutional law; and as time moves on, new questions will arise to puzzle the profoundest intellects; but the question of the ascendency of the people is settled beyond all human calculations. And it is in this matter especially that Jefferson left his mark on the institutions of his country, — as the champion of democracy, rather than as the champion of the abstract rights of man which he and Patrick Henry and Samuel Adams had asserted, in opposition to the tyranny of Great Britain in her treatment of the Colonies. And here he went beyond Puritan New England, which sought the ascendency of the wisest and the best, when the aristocracy of intellect and virtue should bear sway instead of the unenlightened masses. Historians talk about the aristocracy of the Southern planters, but this was an offshoot of the aristocracy of feudalism, — the dominion of favored classes over the enslaved, the poor, and the miserable.

New England aristocracy was the rule of the wisest and the best, extending to the remotest hamlets, in which the people discussed the elemental principles of Magna Charta and the liberties of Saxon yeomen. This was the aristocracy which had for its defenders such men as the Adamses, the Shermans, and the Langdons, — something new in the history of governments and empires, which was really subverted by the doctrines of Rousseau and the leaders of the French Revolution, whom Jefferson admired and followed.

Jefferson, however, practically believed in the aristocracy of mind, and gave his preference to men of learning and refinement, rather than men of wealth and rank. He was a democrat only in the recognition of the people as the source of future political power, and hence in the belief of the ultimate triumph of the Democratic party, which it was his work to organize and lead. Foreseeing how dangerous the triumph of a vulgar and ignorant mob would be, he tried to provide for educating the people, on the same principle that we would to-day educate the colored race. The great hobby of his life was education. He thus spent the best part of his latter years in founding and directing the University of Virginia, including a plan for popular education as well. To all schemes of education he lent a willing ear; but it was the last

thing which aristocratic Southern planters desired, — the elevation of the poor whites, or political equality. Though a planter, Jefferson was more in sympathy with New England ideas, as to the intellectual improvement of the people and its relation to universal suffrage, than with the Southern gentlemen with whom he associated. Hamilton did not so much care for the education of the people as he did for the ascendency of those who were already educated, especially if wealthy. Property, in his eyes, had great consideration, as with all the influential magnates of the North. Jefferson thought more of men than of their surroundings, and thus became popular with ordinary people in a lower stratum of social life. Hamilton was popular only with the rich, the learned, and the powerful, and stood no chance in the race with Jefferson for popular favor, wherever universal suffrage was established, any more than did John Adams, whose ideas concerning social distinctions, and the ascendency of learning and virtue in matters of government, were decidedly aristocratic.

It is hard to say whether Jefferson or Hamilton was the wiser in his political theories, nor is it certain which was the more astute and far-reaching in his calculations as to the future ascendency of political parties. Down to the Civil War the Democrats had things largely their own way; since then, the

Republican party — lineal descendant of the Federals, through the Whigs — have borne sway until within very recent years, when there has developed a strong reaction against the centralizing tendency compacted by the rallying of the people about the government to resist disunion in 1860–65.

Jefferson became Vice-President on the final retirement of Washington to private life in 1797, when Adams was made President. The vice-presidency was a position of dignity rather than of power, and not so much desired by ambitious men as the office of governor in a great State. What took place of importance in the political field during the presidency of Adams has already been treated. As Vice-President, Jefferson had but little to do officially, but he was as busy as ever with his pen, and in pulling political wires, — especially in doing all he could to obstruct legislation along the lines laid down by the Federal leaders. Of course, like other leaders, he was aiming at the presidency, and I think he was the only man in our history who ever reached this high office by persistent personal efforts to secure it. Burr failed, in spite of his great abilities, as well as Hamilton, Calhoun, Clay, Benton, Webster, Douglas, Seward, and Blaine. All the later presidents have been men who when nominated as candidates for the presidency were comparatively unknown and unimportant in the eyes of the nation, —

selected not for abilities, but as the most "available" candidates; although some of them proved to be men of greater talent and fitness than was generally supposed. The people accepted them, but did not select them, any more than Saul and David were chosen by the people of Israel. Political leaders selected them for party purposes, and rather because they were unknown than because they were known; while greater men, who had the national eye upon them for services and abilities, had created too many enemies, secret or open, for successful competition. An English member of Parliament, of transcendent talent, if superior to all other members for eloquence, wisdom, and tact, is pretty certain of climbing to the premiership, like Canning, Peel, Disraeli, and Gladstone. Probably no American, for a long time to come, can reasonably hope to reach the presidency because he has ambitiously and persistently labored for it, whatever may be his merits or services. In a country of wide extent like the United States, where the representatives of the people and the States in Congress are the real rulers, perhaps this is well.

But even Jefferson did not inordinately seek or desire the presidency. The office quite as earnestly sought him, as the most popular man in the country, who had proved himself to be a man of great abilities in the various positions he had previously filled, and as honest

as he was patriotic. He had few personal enemies. His enemies were the leaders of the Federal party, if we except Aaron Burr, in whose honesty few believed. The lies which the bitter and hostile Federalists told about Jefferson were lost on the great majority of the people, who believed in him.

Jefferson was inaugurated as president in 1801, and selected an able Cabinet, with his friend and disciple James Madison as Secretary of State, and Albert Gallatin, an experienced financier, a Swiss by birth, as Secretary of the Treasury. He at once made important changes in all matters of etiquette and forms, introducing greater simplicity, abolishing levees, titles, and state ceremonials, and making himself more accessible to the people. His hospitality was greater than that of any preceding or succeeding president. He lived in the White House more like a Virginian planter than a great public functionary, wearing plain clothes, and receiving foreign ministers without the usual formalities, much to their chagrin. He also prevailed on Congress to reduce the army and navy, retaining a force only large enough to maintain law and order. He set the example of removing important officers hostile to his administration, although he did not make sweeping changes, as did General Jackson afterward, on the avowed ground that "spoils belong to victors," — thus increasing the bitterness of partisanship.

The most important act of Jefferson's administration was the purchase of Louisiana from France for fifteen millions of dollars. Bonaparte had intended, after that great territory had been ceded to him by Spain, to make a military colony at New Orleans, and thus control the Mississippi and its branches; but as he wanted money, and as his ambition centred in European conquests, he was easily won over by the American diplomatists to forego the possession of that territory, the importance of which he probably did not appreciate, and it became a part of the United States. James Monroe and Robert Livingston closed the bargain with the First Consul, and were promptly sustained by the administration, although they had really exceeded their instructions. Bonaparte is reported to have said of this transaction: "This accession of territory strengthens forever the power of the United States. I have given to England a maritime rival that will sooner or later humble her pride."

By this purchase, which Jefferson had much at heart, the United States secured, not only millions of square miles of territory, but the control of the Gulf of Mexico. This fortunate acquisition prevented those entangling disputes and hostilities which would have taken place whether Spain or France owned Louisiana. Doubtless, Jefferson laid himself open to censure from the Federalists for assuming unconstitutional powers

in this purchase; but the greatness of the service more than balanced the irregularity, and the ridicule and abuse from his political enemies fell harmless. No one can question that his prompt action, whether technically legal or illegal, was both wise and necessary; it practically gave to the United States the undisputed possession of the vast territory between the Mississippi and the Rocky Mountains. Moreover, the President's enlightened encouragement of the explorations of Lewis and Clarke's expedition across the Rocky Mountains to the Pacific Ocean, led to the ultimate occupancy of California and the west coast itself.

The next event of national interest connected with the administration of Jefferson in his long term of eight years (for he was re-elected president, and began his second term in 1805), was the enterprise of Aaron Burr, with a view of establishing a monarchy in Mexico. It was fortunately defeated, and the disappointed and ambitious politician narrowly escaped being convicted of high treason. He was saved only by the unaccountable intrigues of the Federalists at a time of intense party warfare. Jefferson would have punished this unscrupulous intriguer if he could; but Burr was defended by counsel of extraordinary ability, — chiefly Federalist lawyers, at the head of whom was Luther Martin of Maryland, probably the best lawyer

in the country, notwithstanding his dissipated habits. Martin was one of those few drinking men whose brains are not clouded by liquor. He could argue a case after having drunk brandy enough to intoxicate any ordinary man, and be the brighter for it. Burr also brought to bear the resources of his own extraordinary intellect, by way of quiet suggestions to his counsel.

This remarkable man was born at Newark, N. J., in 1756, and was the son of the Rev. Aaron Burr, president of Princeton College. He was a grandson of the celebrated Jonathan Edwards, the most original and powerful metaphysical intellect known to the religious history of this country, who confirmed Calvinism as the creed of New England Puritans. The young Burr, on the death of his father and grandfather, inherited what was then considered as a fortune, and was graduated at Princeton in 1772, with no enviable reputation, being noted for his idleness and habits bordering on dissipation. He was a handsome and sprightly young man of sixteen, a favorite with women of all ages. He made choice of the profession of law, and commenced the study under Tappan Reeve of Elizabethtown. After the battle of Bunker Hill he entered the army at Boston, but, tired of inactivity, joined Arnold's expedition to Quebec, where he distinguished himself by his bravery. Ill-health com-

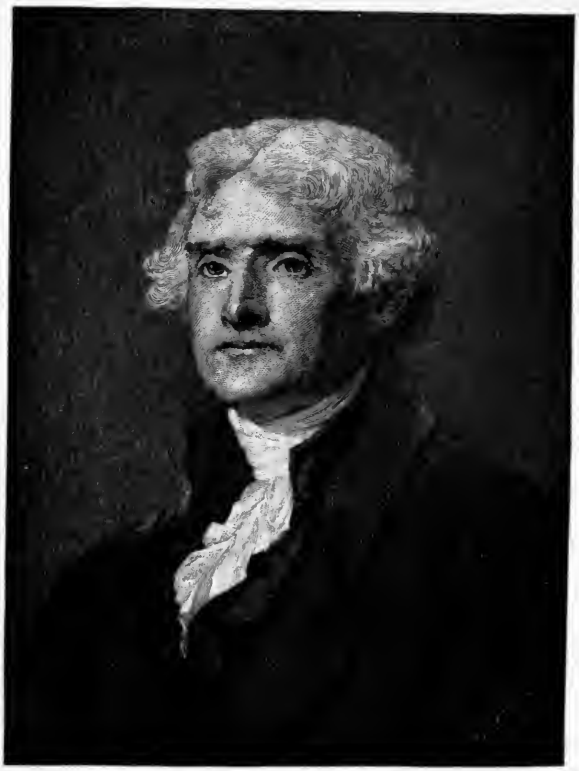
pelled him to leave the army after four years service,— the youngest colonel in the army. He was no admirer of Washington, regarding him as "a farmer and Indian-fighter rather than a soldier." He favored the cabal against him, headed by Gates and Conway. Washington, while ready to acknowledge Burr's military abilities, always distrusted him, and withheld from him the rank of brigadier.

On leaving the army, at the age of twenty-three, Burr resumed his studies of the law, and was admitted to the Albany bar after brief preparation. Conscious of his talents, he soon after settled in New York, and enjoyed a lucrative practice, the rival of Alexander Hamilton, being employed with him on all important cases. He had married, in 1782, the widow of an English officer, a Mrs. Provost, a lady older than he,— with uncommon accomplishments. In 1784 he was chosen a member of the New York Legislature, and was on intimate terms with the Clintons, the Livingstons, the Van Rennselaers, and the Schuylers. In 1789 he was made Attorney-General of the State during the administration of Governor George Clinton. His popularity was as great as were his talents, and in 1791 he was elected to the United States Senate over General Philip Schuyler, and became the leader of the Republican party, with increasing popularity and influence. In 1796 he was a presidential candidate, and

in 1800, being again a candidate for the presidency, he received seventy-three votes in the House of Representatives, — the same number that were cast for Jefferson. He would, doubtless, have been elected president but for the efforts of Hamilton, who threw his influence in favor of Jefferson, Democrat as he was, as the safer man of the two. Burr never forgave his rival at the bar for this, and henceforward the deepest enmity rankled in his soul for the great Federalist leader.

As Vice-President, Burr was marked for his political intrigues, and incurred the distrust if not the hostility of Jefferson, who neglected Burr's friends and bestowed political favors on his enemies. Disgusted with the inactivity to which his office doomed him, Burr pulled every wire to be elected governor of New York; but the opposition of the great Democratic families caused his defeat, which was soon followed by his assassination of Hamilton, called a duel. Universal execration for this hideous crime drove him for a time from New York, although he was still Vice-President. But his political career was ended, although his ambition was undiminished.

Then, seeing that his influence in the Eastern and Middle States was hopelessly lost, Burr looked for a theatre of new cabals, and turned his eyes to the West, opened to public view by the purchase of Louisiana.



After the painting by Gilbert Stuart, Bowdoin College, Maine

THOMAS JEFFERSON

In the preparation of his plans he went first to New Orleans, then a French settlement, where he was lionized, returning by way of Nashville, Frankfort, Lexington, and St. Louis. At the latter post he found General Wilkinson, to whom he communicated his scheme of founding an empire in the West, — a most desperate undertaking. On an island of the Ohio, near Marietta, he visited its owner, called Blennerhasset, a restless and worthless Irishman, whom he induced to follow his fortunes.

The adventurers contracted for fifteen boats and enlisted quite a number of people to descend the Mississippi and make New Orleans their rallying-point, supposing that the Western population were dissatisfied with the government and were ready to secede and establish a new republic, or empire, to include Mexico; also relying on the aid of General Wilkinson at St. Louis. But they miscalculated: Wilkinson was true to his colors; the people whom they had seduced gradually dropped off; the territorial magistrates became suspicious and alarmed, and the governor of the Territory communicated his fears to the President, who at once issued a proclamation to arrest the supposed conspirators, who had fled when their enterprise had failed.

Burr was seized near Natchez, and was tried for conspiracy; but the trial came to nothing. He con-

trived to escape in the night, but was again arrested in Alabama, and sent to Richmond to be tried for treason. As has been said, he was acquitted, by a jury of which John Randolph was foreman, with the sympathy of all the women, of whom he was a favorite to the day of his death. The trial lasted six months, and Jefferson did all he could to convict him, with the assistance of William Wirt, just rising into notice.

Although acquitted, Burr was a ruined man. His day of receptions and popularity was over. His sad but splendid career came to an inglorious close. Feeling unsafe in his own country, he wandered abroad, at times treated with great distinction wherever he went, but always arousing suspicions. He was obliged to leave England, and wandered as a fugitive from country to country, without money or real friends. At Paris and London he suffered extreme poverty, although admired in society. At last he returned to New York, utterly destitute, and resumed the practice of the law, but was without social position and generally avoided. He succeeded in 1832 in winning the hand of a wealthy widow, but he spent her money so freely that she left him. After the separation he supported himself with great difficulty, but retained his elegant manner and fascinating conversation, until he died in the house of a lady friend in 1836, and was buried at Princeton by the side of his father and grandfather.

Our history narrates no fall from an exalted position more melancholy, or more richly deserved, than his. Without being dissipated, he was a bad and unprincipled man from the start. He might have been the pride of his country, like Hamilton and Jefferson, being the equal of both in abilities, and at one time in popularity. The school-books have given to him and to Benedict Arnold an infamous immortality, comparing the one with Cain, and the other with Judas Iscariot.

The most important measure connected with Jefferson's long administration was the Non-importation Act, commonly called the Embargo. It proved in the end a mistake, and shed no glory on the fame of the President; and yet it perhaps prevented a war, or at least delayed it.

The peace of 1783 and the acknowledgment of American independence did not restore friendly relations between England and the United States. It was not in human nature that a proud and powerful state like England should see the disruption of her empire and her fairest foreign possession torn from her without embittered feelings, leading to acts which could not be justified by international law or by enlightened reason. Accordingly, the government of Great Britain treated the American envoys with rudeness, insolence, and contempt, much to their chagrin and the indigna-

tion of Americans generally. It also adopted measures exceedingly injurious to American commerce. France and England being at war, the Americans, as neutrals, secured most of the carrying trade, to the disgust of British merchants; and, declaring mutual blockade, both French and English cruisers began to capture American trading-ships, the English being especially outrageous in their doings. Said Jefferson, in his annual message in 1805: "Our coasts have been infested and our harbors watched by private armed vessels. They have captured in the very entrance of our harbors, as well as on the high seas, not only the vessels of our friends coming to trade with us, but our own also. They have carried them off under pretence of legal adjudication; but not daring to approach a court of justice, they have plundered and sunk them by the way, or in obscure places where no evidence could arise against them, maltreated the crews, and abandoned them in boats in the open sea, or on desert shores without food or covering." In view of these things, the President recommended the building of gunboats and the reorganization of the militia, and called attention to materials in the navy-yards for constructing battleships. The English even went further and set up a claim to the right of search; sailors were taken from American ships to be impressed into their naval service, on the plea — generally unfounded

— that they were British subjects and deserters. At last British audacity went so far as to attack an American frigate at Hampton Roads, and carry away four alleged British sailors, three of whom were American born. The English doctrine that no man could expatriate himself was not allowed by America, where immigrants and new citizens were always welcome; but in the case of native Americans there could be no question as to their citizenship. This outrage aroused indignation from one end of the country to the other, and a large party clamored for war.

But the policy of Jefferson was pacific. He abhorred war, and entered into negotiations, which came to nothing. Nor, to his mind, was the country prepared for war. We had neither army nor navy to speak of. It was plain that we should be beaten on the land and on the sea. Much as he hated England, he preferred to temporize, and build a few gunboats, — which everybody laughed at.

Nor did the French government behave much better than the English. It looked upon the United States as an unsettled and weak country, to be robbed with impunity. At last, driven from the high seas, the Americans could rely only on the coasting-trade. "One half the mercantile world was sealed up by the British, and the other half by the French."

Jefferson now appealed to Congress, and the result

was the Non-importation Act, or Embargo, forbidding Americans to trade with France and England. This policy was intended as a pressure on English merchants. But it was a half-measure and did not affect British legislation, which had for its object the utter annihilation of American commerce. Neither France nor England was hurt seriously by the Embargo, while our ships lay rotting at the wharves, and our merchants found that their occupation was gone. The New England merchants were discouraged and discontented. It was not they who wished to see their ships shut up by a doubtful policy. They would have preferred to run risks rather than be idle. But Jefferson paid no heed to their grumblings, feeling that he was exhibiting to foreign powers unusual forbearance. It is singular that he persevered in a policy that nearly the whole body of merchants censured and regarded as a failure; but he did, and Congress was subservient to his decrees. No succeeding president ever had the influence over Congress that he had. He was almost a dictator. He found opposition only among the Federalists, whose power was gone forever.

At last, when the farmers and planters joined with the shipping interests in complaining of the Embargo, Jefferson was persuaded that it was a failure, and three days before his administration closed it was repealed by Congress. But even this measure did not

hurt the party which he had marshalled with such transcendent tact; for his friend and disciple, James Madison, was elected to succeed him in 1809.

The Embargo had had one result: it deferred the war with Great Britain to the next administration. That conflict of 1812–15 was not a glorious war for America except on the ocean. It was not entered upon by the British with any hope of the conquest of the country, but to do all the harm they could to the people who had achieved their independence. On the part of the United States it was simply a choice between insult, insolence, and injury on the one hand, and on the other the expenditure of money and loss of life, which would bear as hard on England as on the United States. Both parties at last wearied of a contest which promised no permanent settlement of interests or principles. The Federalists deprecated it from the beginning. The Republican-Democracy sustained it from the instinct of national honor. Probably it could not have been avoided without the surrender of national dignity. It was the last of our wars with Great Britain. Future difficulties will doubtless be settled by arbitration, or not settled at all, in spite of mutual ill-will. England and America cannot afford to fight. Our late Civil War demonstrated this,— when, with all the ill-feeling between the two nations, war was averted. The interests of trade may mollify and

soften international jealousies, but only forbearance and the cultivation of mutual and common interests can eradicate the sentiments of mutual dislike.

However, it was not the Embargo, nor the meditated treason of Aaron Burr, nor the purchase of Louisiana, important as these were, which gives chief interest to the eight years of Jefferson's administration, and made it a political epoch. It was the firm growth and establishment of the Democratic party, of which Jefferson was the father and leader, as Hamilton was the great chieftain of the Federalist. With the accession of Jefferson to power, a new policy was inaugurated, which from his day has been the policy of the government, except in great financial emergencies when men of brain have had the direction of public affairs. Democratic leaders like Jackson and Van Buren, representing the passions or interests or prejudices of the masses, it would seem, have been generally unfortunate enough to lead the country into financial difficulties, because they have conformed to the unenlightened instincts of the people rather than to the opinions of the enlightened few, — great merchants, capitalists, and statesmen, that is, men of experience and ability. And when these men of brain have extricated the country from the financial distress which men inexperienced in finance and ignorant of the principles of political economy have brought

about, the democratic leaders have regained their political ascendency, since they appealed, more than their antagonists, to those watchwords so dear to the American heart, the abolition of monopolies, unequal taxation, the exaltation of the laboring classes, — whatever promises to aggrandize the nation in a material point of view, or professes to bring about the reign of "liberty, fraternity, and equality," and the abolition of social distinctions.

It cannot be doubted that the policy of Jefferson, while it appealed to the rights and interests of "working-men," of men who labor with their hands rather than by their brains, has favored the reign of demagogues, — the great curse of American institutions. Who now rule the cities of New York, Philadelphia, Boston, Cincinnati, and Chicago? Is it not those who, in cities at least, have made self-government — the great principle for which Jefferson contended — almost an impossibility? This great statesman was sufficiently astute to predict the rule of the majority for generations to come, but I doubt if he anticipated the character of the men to whom the majority would delegate their power. Here he was not so sagacious as his great political rivals. I believe that if he could have foreseen what a miserable set the politicians would generally turn out to be, — with their venality, their unscrupulousness, their

vile flatteries of the people, their system of spoils, their indifference to the higher interests of the nation, — his faith in democracy as a form of government would have been essentially shaken. He himself was no demagogue. His error was in not foreseeing the logical sequence of those abstract theories which made up his political religion, — the religion of humanity, such as the French philosophers had taught him. But his theories pleased the people, and he himself was personally popular, — the most so of all our statesmen, not excepting Henry Clay, who made many enemies.

Jefferson's manners were simple, his dress was plain, he was accessible to everybody, he was boundless in his hospitalities, he cared little for money, his opinions were liberal and progressive, he avoided quarrels, he had but few prejudices, he was kind and generous to the poor and unfortunate, he exalted agricultural life, he hated artificial splendor, and all shams and lies. In his morals he was irreproachable, unlike Hamilton and Burr; he never made himself ridiculous, like John Adams, by egotism, vanity, and jealousy; he was the most domestic of men, worshipped by his family and admired by his guests; always ready to communicate knowledge, strong in his convictions, perpetually writing his sincere sentiments and beliefs in letters to his friends, — as upright and honest a

man as ever filled a public station, and finally retiring to private life with the respect of the whole nation, over which he continued to exercise influence after he had parted with power. And when he found himself poor and embarrassed in consequence of his unwise hospitality, he sold his library, the best in the country, to pay his debts, as well as the most valuable part of his estate, yet keeping up his cheerfulness and serenity of temper, and rejoicing in the general prosperity, — which was produced by the ever-expanding energies and resources of a great country, rather than by the political theories which he advocated with so much ability.

On his final retirement to Monticello, in 1809, after forty-four years of continuous public service, Jefferson devoted himself chiefly to the care of his estate, which had been much neglected during his presidential career. To his surprise he found himself in debt, having lived beyond his income while president. But he did not essentially change his manner of living, which was generous, though neither luxurious nor ostentatious. He had stalls for thirty-six horses, and sometimes as many as fifty guests at dinner. There was no tavern near him which had so much company. He complains that an ox would all be eaten in two days, while a load of hay would disappear in a night. Fond as he was of company, he

would not allow his guests to rob him of the hours he devoted to work, either in his library or on his grounds. His correspondence was enormous, — he received sixteen hundred and seven letters in one year, and answered most of them. After his death there were copies of sixteen thousand letters which he had written. His industry was marvellous; even in retirement he was always writing or reading or doing something. He was, perhaps, excessively fond of his garden, of his flowers, of his groves, and his walks. Music was, as he himself said, "the favorite passion of his soul." His house was the largest in Virginia, and this was filled with works of art, and the presents he had received. But his financial difficulties increased from year to year. He was too fond of experiments and fancy improvements to be practically successful as a farmer.

One of his granddaughters thus writes of him: "I cannot describe the feelings of veneration, admiration, and love that existed in my heart for him. I looked upon him as a being too great and good for my comprehension. I never heard him utter a harsh word to any one of us. On winter evenings, as we all sat round the fire, he taught us games, and would play them with us. He reproved without wounding us, and commended without making us vain. His nature was so eminently sympathetic that with those he loved

he could enter into their feelings, anticipate their wishes, gratify their tastes, and surround them with an atmosphere of affection."

Thus did he live in his plain but beautiful house, in sight of the Blue Ridge, with Charlottesville and the university at his feet. He rode daily for ten miles until he was eighty-two. He died July 4, 1826, full of honors, and everywhere funeral orations were delivered to his memory, the best of which was by Daniel Webster in Boston.

Among his papers was found the inscription which he wished to have engraved on his tomb: "Here was buried Thomas Jefferson, Author of the Declaration of American Independence, of the Statute of Virginia for Religious Freedom, and Father of the University of Virginia." He does not allude to his honors or his offices, — not a word about his diplomatic career, or of his stations as governor of Virginia, Secretary of State, or President of the United States. But the three things he does name enshrine the best convictions of his life and the substance of his labors in behalf of his country, — political independence, religious freedom, and popular education.

The fame of Jefferson as author of the Declaration of Independence is more than supported by his writings at different times which bear on American freedom and the rights of man. It is as a writer on

political liberty that he is most distinguished. He was not an orator or speech-maker. He worked in his library among his books, meditating on the great principles which he enforced with so much lucidity and power. It was for his skill with the pen that he was selected to draft the immortal charter of American freedom, which endeared him to the hearts of the people, and which no doubt contributed largely to cement the States together in their resistance to Great Britain.

His reference to the statute of Virginia in favor of religious freedom illustrates another of his leading sentiments, to which he clung with undeviating tenacity during his whole career. He may have been a free-thinker like Franklin, but he did not make war on the religious beliefs of mankind; he only desired that everybody should be free to adopt such religious principles as were dear to him, without hindrance or molestation. He was before his age in liberality of mind, and he ought not to be stigmatized as an infidel for his wise toleration. Although his views were far from orthodox, they did not, after all, greatly differ from those of John Adams himself and the men of that day who were enamoured with the ideas of Voltaire and Rousseau. At that time even the most influential of the clergy, especially in New England, were Arminians in their religious creed. The eighteenth

century was not a profound or religious epoch. It was an age of war and political agitations, — a drinking, swearing, licentious, godless age among the leaders of society, and of ignorance, prejudice, and pharisaic formalities among the people. Jefferson's own purity and uprightness of life amid the laxity of the times is an unquestionable evidence of the elevation of his character and the sincerity of his moral and religious beliefs.

The third great object of Jefferson's life was to promote popular education as an essential condition to the safety of the republic. While he advocated unbounded liberty, he knew well enough that it would degenerate into license unless the people were well-informed. But what interested him the most was the University of Virginia, in whose behalf he spent the best part of his declining years. He gave money freely himself, and induced the legislature to endow it liberally. He superintended the construction of the buildings, which alone cost $300,000; he selected the professors, prescribed the course of study, was chairman of the board of trustees, and looked after the interests of the institution. He thought more of those branches of knowledge which tended to liberalize the mind than of Latin and Greek. He gave a practical direction to the studies of the young men, allowing them to select such branches as were congenial to them and would fit them for a useful life. He would have no presi-

dent, but gave the management of all details to the professors, who were equal in rank. He appealed to the highest motives among the students, and recognized them as gentlemen rather than boys, allowing no espionage. He was rigorous in the examinations of the students, and no one could obtain a degree unless it were deserved. While he did not exclude religion from the college, morning prayers being held every day, attendance upon religious services was not obligatory. Every Sunday some clergyman from the town or neighborhood preached a sermon, which was generally well attended. Few colleges in this country have been more successful or more ably conducted, and the excellence of instruction drew students from every quarter of the South. Before the war there were nearly seven hundred students, and I never saw a more enthusiastic set of young men, or a set who desired knowledge for the sake of knowledge more enthusiastically than did those in the University of Virginia.

Although it is universally admitted that Jefferson had a broad, original, and powerful intellect, that he stamped his mind on the institutions of his country, that to no one except Washington is the country more indebted, yet I fail to see that he was transcendently great in anything. He was a good lawyer, a wise legislator, an able diplomatist, a clear writer, and an

excellent president; but in none of the spheres he occupied did he reach the most exalted height. As a lawyer he was surpassed by Adams, Burr, and Marshall; as an orator he was nothing at all; as a writer he was not equal to Hamilton and Madison in profundity and power; as a diplomatist he was far below Franklin and even Jay in tact, in patience, and in skill; as a governor he was timid and vacillating; while as a president he is not to be compared with Washington for dignity, for wisdom, for consistency, or executive ability. Yet, on the whole, he has left a great name for giving shape to the institutions of his country, and for intense patriotism. Pre-eminent in no single direction, he was in the main the greatest political genius that has been elevated to the presidential chair; but perhaps greater as a politician than as a statesman in the sense that Pitt, Canning, and Peel were statesmen. He was not made for active life; he was rather a philosopher, wielding power by his pen, casting his searching glance into everything, and leading men by his amiability, his sympathetic nature, his force of character, and his enlightened mind. The question might arise whether Jefferson's greatness was owing to force of circumstances, or to an original, creative intellect, like that of Franklin or Alexander Hamilton. But for the Revolution he might never have been heard of outside his native State.

This, however, might be said of most of the men who have figured in American history, — possibly of Washington himself. The great rulers of the world seem to be raised up by Almighty Power, through peculiar training, to a peculiar fitness for the accomplishment of certain ends which they themselves did not foresee, — men like Abraham Lincoln, who was not that sort of man whom Henry Clay or Daniel Webster would probably have selected for the guidance of this mighty nation in the greatest crisis of its history.

AUTHORITIES.

The Life of Jefferson by Parton is the most interesting that I have read and the fullest, but not artistic. He introduces much superfluous matter that had better be left ont. As for the other Lives of Jefferson, that by Morse is the best; that of Schouler is of especial interest as to Jefferson's attitude toward slavery and popular education. Randall has written an interesting sketch. For the rest, I would recommend the same authorities as on John Adams in the previons chapter.

JOHN MARSHALL.

1755–1835.

THE UNITED STATES SUPREME COURT.

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JOHN MARSHALL.

THE UNITED STATES SUPREME COURT.

By JOHN BASSETT MOORE, LL.D

WHILE the Revolution had severed the tie which bound the colonies to the mother country and had established the independence of the United States, the task of organizing and consolidating the new nation yet remained to be performed. The Articles of Confederation, though designed to form a "perpetual union between the States," constituted in reality but a loose association under which the various commonwealths retained for the most part the powers of independent governments. In the treaty of peace with Great Britain of 1782–83, strong national ground was taken; but the general government was unable to secure the execution of its stipulations. The public debts remained unpaid, for want of power to levy taxes. Commerce between the States as well as with foreign nations was discouraged and rendered precarious by variant and obstructive local regulations. Nor did there exist any judicial authority to which an appeal could be taken for the enforcement of national rights and obligations as against inconsistent State laws and adjudications.

These defects were sought to be remedied by the Constitution of the United States. But, as in the case of all other written instruments, the provisions of this document were open to construction. Statesmen and lawyers divided in their interpretation of it, according to their prepossessions for or against the creation and exercise of a strong central authority.

Among the organs of government created by the Constitution was "one Supreme Court," in which, together with such inferior courts as Congress might from time to time establish, was vested "the judicial power of the United States." This power was declared to extend to all cases, in law and equity, arising under the Constitution itself, the laws of the United States, and treaties made under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States should be a party; to controversies between two or more States, between a State and citizens of another State, and between citizens of different States, as well as between citizens of the same State claiming lands under grants of different States, and between a State, or the the citizens thereof, and foreign States, citizens, or subjects. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State should be a party, the Supreme Court was vested with original

jurisdiction, while in all the other enumerated cases its jurisdiction was to be appellate. With the exceptions of suits against a State by individuals, which were excluded by the Eleventh Amendment, the judicial power of the United States remains to-day as it was originally created.

But at the time when the Constitution was made, the importance to which the judicial power would attain in the political system of the United States could not be foreseen. The form was devised, but, like the nation itself, its full proportions remained to be developed. In that development, so far as it has been made by the judiciary, one man was destined to play a pre-eminent part. This man was John Marshall, under whose hand, as James Bryce has happily said, the Constitution "seemed not so much to rise . . . to its full stature, as to be gradually unveiled by him, till it stood revealed in the harmonious perfection of the form which its framers had designed." For this unrivalled achievement there has been conceded to Marshall by universal consent the title of Expounder of the Constitution of the United States; and the general approval with which his work is now surveyed is attested by the tribute lately paid to his memory. The observance on the 4th of February, 1901, by a celebration spontaneously national, of the one hundredth anniversary of his assumption of the office of Chief Justice of the United States, is with-

out example in judicial annals. It is therefore a matter of interest not only to every student of American history, but also to every American patriot, to study his career and to acquaint himself with that combination of traits and accidents by which his character and course in life were determined.

John Marshall was born Sept. 24, 1755, in Fauquier County, Virginia, at a small village then called Germantown, but now known as Midland, a station on the Southern Railway not far south of Manassas. His grandfather, John Marshall, the first of the family of whom there appears to be any record, was an emigrant from Wales. He left four sons, the eldest of whom was Thomas Marshall, the father of the Chief Justice. Thomas Marshall, though a man of meagre early education, possessed great natural gifts, and rendered honorable and useful public service both as a member of the Virginia Legislature, and as a soldier in the Revolutionary War, in which he rose to the rank of colonel. His son, John Marshall, was the eldest of fifteen children. Of his mother, whose maiden name was Keith, little is known, but it has been well observed by one of Marshall's biographers, that, as she reared her fifteen children — seven sons and eight daughters — all to mature years, she could have had little opportunity to make any other record for herself, and could hardly have made a better one.

Subsequently to his birth, Marshall's parents removed to an estate called Oak Hill, in the western part of Fauquier County. It was here that in 1775, when nineteen years of age, he heard the call of his country and entered the patriot army as a lieutenant. We have of him at this time the first personal description, written by a kinsman who was an eye-witness of the scene, and preserved in the eulogy delivered by Mr. Binney before the Select and Common Councils of Philadelphia on Sept. 24, 1835. "His figure," says the writer, "I have now before me. He was about six feet high, straight and rather slender, of dark complexion, showing little if any rosy red, yet good health, the outline of the face nearly a circle, and within that, eyes dark to blackness, strong and penetrating, beaming with intelligence and good nature; an upright forehead, rather low, was terminated in a horizontal line by a mass of raven-black hair of unusual thickness and strength; the features of the face were in harmony with this outline, and the temples fully developed. The result of this combination was interesting and very agreeable. The body and limbs indicated agility rather than strength, in which, however, he was by no means deficient. He wore a purple or pale-blue hunting shirt, and trousers of the same material fringed with white. A round black hat, mounted with the buck's tail for a cockade, crowned the figure and the man. He went through the manual ex-

ercise by word and motion deliberately pronounced and performed, in the presence of the company, before he required the men to imitate him, and then proceeded to exercise them, with the most perfect temper. . . . After a few lessons the company were dismissed, and informed that if they wished to hear more about the war, and would form a circle around him, he would tell them what he understood about it. . . . He addressed the company for something like an hour. . . . He spoke at the close of his speech of the Minute Battalion about to be raised, and said he was going into it and expected to be joined by many of his hearers. He then challenged an acquaintance to a game of quoits, and they closed the day with foot-races and other athletic exercises, at which there was no betting. He had walked ten miles to the muster field, and returned the same distance on foot to his father's house at Oak Hill, where he arrived a little after sunset."

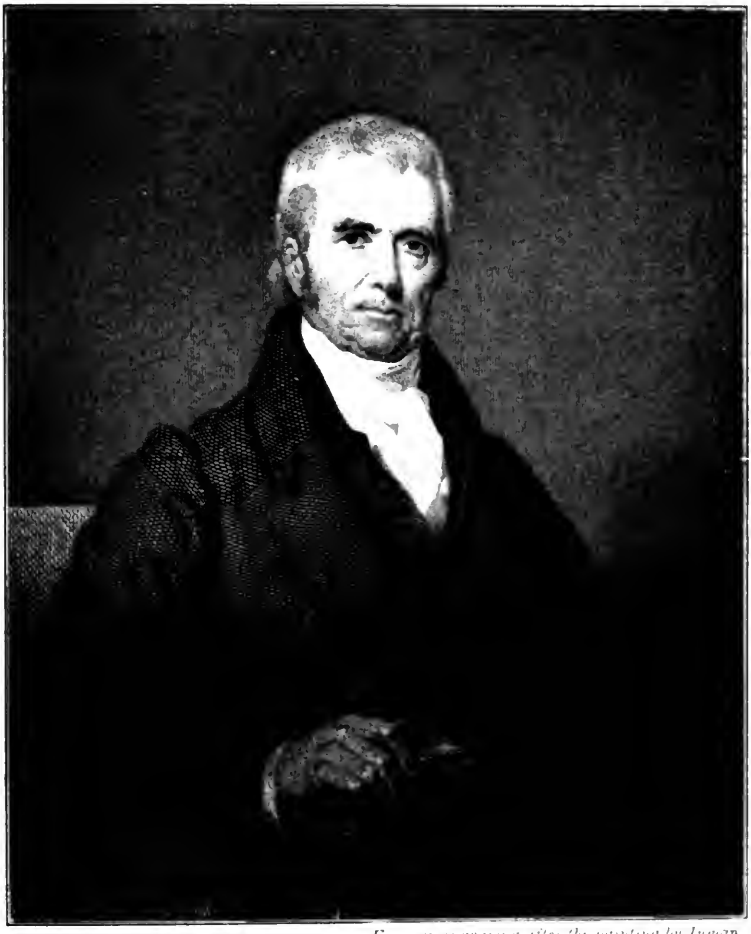
The patriot forces in which Marshall was enrolled were described as minute-men, of whom it was said by John Randolph that they "were raised in a minute, armed in a minute, marched in a minute, fought in a minute, and vanquished in a minute." Their uniform consisted of homespun hunting shirts, bearing the words "Liberty or Death" in large white letters on the breast, while they wore bucks' tails in their hats and tomahawks and scalping-knives in their belts. We are told,

and may readily believe, that their appearance inspired in the enemy not a little apprehension; but we are also assured, and may as readily believe, that this feeling never was justified by any act of cruelty. Their first active service was seen in the autumn of 1775, when they marched for Norfolk, where Lord Dunmore had established his headquarters. They saw their first fighting at Great Bridge, where the British troops were defeated with heavy loss. Subsequently, the Virginia forces to which Marshall belonged joined the army of Washington in New Jersey, and he saw service not only in that State, but also in Pennsylvania and New York, and, later in the war, again in Virginia. In May, 1777, he was appointed a captain. He took part in the battles of Iron Hill and Brandywine. He was also present at Monmouth, at Paulus (or Powles) Hook, and at the capture of Stony Point. He endured the winter's sufferings at Valley Forge, where because of his patience, firmness, and good humor, he won the special regard of the soldiers and his brother-officers. In the course of his military service he often acted as judge-advocate; and he made the acquaintance of Washington and Hamilton, with both of whom he contracted a lasting friendship.

As to the effect of these early experiences on the formation of his opinions, Marshall himself has testified. "I am," said he on a certain occasion, "disposed

to ascribe my devotion to the Union, and to a government competent to its preservation, at least as much to casual circumstances as to judgment. I had grown up at a time . . . when the maxim, 'United we stand, divided we fall' was the maxim of every orthodox American; and I had imbibed these sentiments so thoroughly that they constituted a part of my being. I carried them with me into the army, where I found myself associated with brave men from different States who were risking life and everything valuable in a common cause; . . . and where I was confirmed in the habit of considering America as my country and Congress as my government."

In 1780 Marshall was admitted to the Bar, and after another term of service in the army he began, in 1781, the practice of the law in Fauquier County. His professional attainments must then have been comparatively limited. His education in letters he had derived solely from his father, who was fond of literature and possessed some of the writings of the English masters, and from two gentlemen of classical learning, whose tuition he enjoyed for the brief period of two years. Of legal education he had had, according to our present standards, exceedingly little. It is said that when about eighteen years of age he began the study of Blackstone; but apart from this his legal education seems to have been gained from a short course of lec-



From an engraving after the painting by Inman

JOHN MARSHALL

tures by Chancellor Wythe, at William and Mary College, and from such reading as he was able to indulge in during his military service. And yet, removing to Richmond about 1783, he almost immediately rose to professional eminence. "This extraordinary man," said William Wirt, "without the aid of fancy, without the advantages of person, voice, attitude, gesture, or any of the ornaments of an orator, deserves to be considered as one of the most eloquent men in the world, if eloquence may be said to consist of the power of seizing the attention with irresistible force, and never permitting it to elude the grasp until the hearer has received the conviction which the speaker intends. . . . He possesses one original and almost superhuman faculty, — the faculty of developing a subject by a single glance of his mind, and detecting at once the very point on which every controversy depends."

From 1782 to 1795, Marshall was repeatedly elected to the Virginia Legislature, the last time without his knowledge and against his wishes; and he also served one term as a member of the Executive Council of the State; but, as his residence was for the most part at Richmond, his public service did not seriously interrupt his career at the Bar. His experience in State politics, however, served to deepen his conviction of the need of an efficient and well-organized national government and of restrictions on the power of the States.

In the formation of the Constitution of the United States Marshall had no hand; he was not a member of the convention by which it was framed; but when it was submitted to the several States for their action, he became a determined advocate of its adoption. In the Virginia convention, which was called to act upon that question, the prospects of a favorable decision seemed at first to be most unpromising. Among those who opposed ratification we find the names of Henry, Mason, Grayson, and Monroe, names which sufficiently attest that the opposition was one, not of mere faction or obstruction, but of principle and patriotic feeling. Henry, who had been one of the first in earlier days to sound the note of revolution, saw in the proposed national government a portent to popular liberties. In the office of President he perceived "the likeness of a kingly crown." In the control of the purse and the sword, he foresaw the extinction of freedom. In the power to make treaties, to regulate commerce, and to adopt laws, he discerned an "ambuscade" in which the rights of the States and of the people would be destroyed unawares. To these alarming predictions the advocates of ratification replied with strong and temperate reasoning, and, while Madison was their leader, among those who won distinction in the contest stood Marshall. He argued that the plan adopted by the Federal Convention provided for a "regulated democracy," the only

alternative to which was despotism. He contended for the establishment of an efficient government as the only means of assuring popular rights and the preservation of the public faith, violations of which were constantly occurring under the existing government. It is interesting to notice that, in replying to the suggestion that the legislative power of the proposed government would prove to be practically unlimited, he declared: "If they [the United States] were to make a law not warranted by any of the powers enumerated, it would be considered by the judges as an infringement of the Constitution, which they are to guard against. . . . They would declare it void." In the end the Convention ratified the Constitution by a majority of ten votes, a result probably influenced by the circumstance that it had then been accepted by nine States, and had thus by its terms been established between the adhering commonwealths.

After the organization of the national government Marshall consistently supported the measures of Washington's administrations, including the Jay treaty, and became a leader of the Federalist party, which, in spite of Washington's great personal hold on the people, was in a minority in Virginia. But he did not covet office. He declined the position of Attorney-General of the United States, which was offered to him by Washington, as well as the mission to France as successor to Monroe.

In 1797, however, at the earnest solicitation of President Adams, he accepted in a grave emergency the post of envoy-extraordinary and minister-plenipotentiary to that country on a special mission, in which he was associated with Charles Cotesworth Pinckney, of South Carolina, and Elbridge Gerry, of Massachusetts.

Few diplomatic enterprises have had so strange a history. When the plenipotentiaries arrived in Paris, the Directory was at the height of its power, and Talleyrand was its minister of foreign affairs. He at first received the envoys unofficially, but afterwards intimated to them, through his private secretary, that they could not have a public audience of the Directory till their negotiations were concluded. Meanwhile, they were waited upon by various persons, who represented that, in order to effect a settlement of the differences between the two countries, it would be necessary to place a sum of money at the disposal of Talleyrand as a *douceur* for the ministers (except Merlin, the minister of justice, who was already obtaining enough from the condemnation of vessels), and also to make a loan of money to the government. The plenipotentiaries, though they at first repulsed these suggestions, at length offered to send one of their number to America to consult the government on the subject of a loan, provided that the Directory would in the meantime suspend proceedings against captured American vessels. This offer was not accepted,

and the American representatives, after further conference with the French intermediaries, stated that they considered it degrading to their country to carry on further indirect intercourse, and that they had determined to receive no further propositions unless the persons who bore them had authority to treat. In April, 1798, after spending in the French capital six months, during which they had with Talleyrand two unofficial interviews and exchanged with him an ineffectual correspondence, Pinckney and Marshall left Paris, Gerry, to the great dissatisfaction of his government, remaining behind. Marshall was the first to reach the United States. He was greeted with remarkable demonstrations of respect and approbation; for, although his mission was unsuccessful, he had powerfully assisted in maintaining a firm and dignified position in the negotiations. His entrance into Philadelphia "had the *éclat* of a triumph." It was at a public dinner given to him by members of both Houses of Congress that the sentiment was pronounced, "Millions for defence, but not a cent for tribute." This sentiment has often been ascribed to Pinckney, who is supposed to have uttered it when approached by the unofficial agents in Paris. The correspondence shows, however, that the words employed by Mr. Pinckney were, "No, no; not a sixpence!" The meaning was similar, but the phrase employed at Philadelphia is entitled to a certain immortality of its own.

On his return to the United States, Marshall resumed the practice of his profession; but soon afterwards, at the earnest entreaty of Washington, he became a candidate for Congress, declining for that purpose an appointment to the Supreme Court of the United States, as successor to Mr. Justice Wilson. He was elected after an exciting canvass, and in December, 1799, took his seat. He immediately assumed a leading place among the supporters of President Adams's administration, though on one occasion he exhibited his independence of mere party discipline by voting to repeal the obnoxious second section of the Sedition Law. But of all the acts by which his course in Congress was distinguished, the most important was his defence of the administration, in the case of Jonathan Robbins, *alias* Thomas Nash. By the twenty-seventh article of the Jay treaty it was provided that fugitives from justice should be delivered up for the offence of murder or forgery. Under this stipulation Robbins, *alias* Nash, was charged with the commission of the crime of murder on board a British privateer on the high seas. He was arrested on a warrant issued upon the affidavit of the British Consul at Charleston, South Carolina. After his arrest an application was made to Judge Bee, sitting in the United States Circuit Court at Charleston, for a writ of *habeas corpus*. While Robbins was in custody, the President, John Adams, ad-

dressed a note to Judge Bee, requesting and advising him, if it should appear that the evidence warranted it, to deliver the prisoner up to the representatives of the British government. The examination was held by Judge Bee, and Robbins was duly surrendered. It is an illustration of the vicissitudes of politics that, on the strength of this incident, the cry was raised that the President had caused the delivery up of an American citizen who had previously been impressed into the British service. For this charge there was no ground whatever; but it was made to serve the purposes of the day, and was one of the causes of the popular antagonism to the administration of John Adams. When Congress met in December, 1799, a resolution was offered by Mr. Livingston, of New York, severely condemning the course of the administration. Its action was defended in the House of Representatives by Marshall on two grounds: first, that the case was one clearly within the provisions of the treaty; and, second, that no act having been passed by Congress for the execution of the treaty, it was incumbent upon the President to carry it into effect by such means as happened to be within his power. The speech which Marshall delivered on that occasion is said to have been the only one that he ever revised for publication. It "at once placed him," as Mr. Justice Story has well said, "in the front rank of constitutional statesmen, silenced opposition,

and settled forever the points of national law upon which the controversy hinged." So convincing was it that Mr. Gallatin, who had been requested by Mr. Livingston to reply, declined to make the attempt, declaring the argument to be unanswerable.

In May, 1800, on the reorganization of President Adams's Cabinet, Marshall unexpectedly received the appointment of Secretary of War. He declined it; but the office of Secretary of State also having become vacant, he accepted that position, which he held till the fourth of the following March. Of his term as Secretary of State, which lasted less than ten months, little has been said; nor was it distinguished by any event of unusual importance, save the conclusion of the convention with France of Sept. 30, 1800, the negotiation of which, at Paris, was already in progress, under instructions given by his predecessor, when he entered the Department of State. The war between France and Great Britain, growing out of the French Revolution, was still going on. The questions with which he was required to deal were not new; and while he exhibited in the discussion of them his usual strength and lucidity of argument, he had little opportunity to display a capacity for negotiation. Only a few of his State papers have been printed, nor are those that have been published of special importance. He gave instructions to our minister to Great Britain, in

relation to commercial restrictions, impressments, and orders in council violative of the law of nations; to our minister to France, in regard to the violations of neutral rights perpetrated by that government; and to our minister to Spain, concerning infractions of international law committed, chiefly by French authorities, within the Spanish jurisdiction. Of these various State papers the most notable was that which he addressed on Sept. 20, 1800, to Rufus King, then United States Minister at London. Reviewing in this instruction the policy which his government had pursued, and to which it still adhered, in the conflict between the European powers, he said:—

"The United States do not hold themselves in any degree responsible to France or to Britain for their negotiations with the one or the other of these powers; but they are ready to make amicable and reasonable explanations with either. . . . It has been the object of the American government, from the commencement of the present war, to preserve between the belligerent powers an exact neutrality. . . . The aggressions, sometimes of one and sometimes of another belligerent power, have forced us to contemplate and prepare for war as a probable event. We have repelled, and we will continue to repel, injuries not doubtful in their nature and hostilities not to be misunderstood. But this is a situation of necessity, not of choice. It is one in which we are placed, not by our own acts, but by the acts of others, and which we [shall] change so soon as the conduct of others will permit us to change it."

For a month Marshall held both the office of Secretary of State and that of Chief Justice; but at the close of John Adams' administration he devoted himself exclusively to his judicial duties, never performing thereafter any other public service, save that late in life he acted as a member of the convention to revise the Constitution of Virginia.

It is an interesting fact that, prior to his appointment as Chief Justice, Marshall had appeared only once before the Supreme Court, and on that occasion he was unsuccessful. This appearance was in the case of Ware *v.* Hylton, which was a suit brought by a British creditor to compel the payment by a citizen of Virginia of a pre-Revolutionary debt, in conformity with the stipulations of the treaty of peace. During the Revolutionary War various States, among which was Virginia, passed acts of sequestration and confiscation, by which it was provided that, if the American debtor should pay into the State treasury the amount due to his British creditor, such payment should constitute an effectual plea in bar to a subsequent action for the recovery of the debt. When the representatives of the United States and Great Britain met in Paris to negotiate for peace, the question of the confiscated debts became a subject of controversy, especially in connection with that of the claims of the loyalists for the confiscation of their estates. Franklin and Jay, though they did not

advocate the policy of confiscating debts, hesitated, chiefly on the ground of a want of authority in the existing national government to override the acts of the States. But when John Adams arrived on the scene, the situation soon changed. By one of those dramatic strokes of which he was a master, he ended the discussion by suddenly declaring, in the presence of the British plenipotentiaries, that, so far as he was concerned, he "had no notion of cheating anybody;" that the question of paying debts and the question of compensating the loyalists were two; and that, while he was opposed to compensating the loyalists, he would agree to a stipulation to secure the payment of debts. It was therefore provided, in the fourth article of the treaty, that creditors on either side should meet with no lawful impediment to the recovery in full sterling money of *bona fide* debts contracted prior to the war. This stipulation is remarkable, not only as the embodiment of an enlightened policy, but also as perhaps the strongest assertion to be found in the acts of that time of the power and authority of the national government. Indeed, when the British creditors, after the establishment of peace, sought to proceed in the State courts, they found the treaty unavailing, since those tribunals held themselves still to be bound by the local statutes. In order to remove this difficulty, as well as to provide a rule for the future, there was inserted in the Constitution of

the United States the clause expressly declaring that treaties then made, or which should be made, under the authority of the United States, should be the supreme law of the land, binding on the judges in every State, anything in the Constitution or laws of any State to the contrary notwithstanding.

On the strength of this provision, the question of the debts was raised again, and was finally brought before the Supreme Court. Marshall appeared for the State of Virginia, to oppose the collection of the debt. He based his contention on two grounds: first, that by the law of nations the confiscation of private debts was justifiable; second, that, as the debt had by the law of Virginia been extinguished by its payment into the State treasury, and had thus ceased to be due, the stipulation of the treaty was inapplicable, since there could be no creditor without a debtor. It is not strange that this argument was unsuccessful. While it doubtless was the best that the cause admitted of, it may perhaps serve a useful purpose as an illustration of the right of the suitor to have his case, no matter how weak it may be, fully and fairly presented for adjudication. On the question of the right of confiscation the judges differed, one holding that such a right existed, while another denied it, two doubted, and the fifth was silent. But as to the operation of the treaty, all but one agreed that it restored to the original creditor his

right to sue, without regard to the original validity or invalidity of the Virginia statute.

When Marshall took his seat upon the bench, the Supreme Court, since its organization in 1790, had rendered only six decisions involving constitutional questions. Of his three predecessors, Jay, Rutledge, and Ellsworth, the second, Rutledge, after sitting one term under a recess appointment, retired in consequence of his rejection by the Senate; and neither Jay nor Ellsworth, though both were men of high capacity, had found in their judicial station, the full importance of which was unforeseen, an opportunity for the full display of their powers, either of mind or of office. The coming of Marshall to the seat of justice marks the beginning of an era which is not yet ended, and which must endure so long as our system of government retains the essential features with which it was originally endowed. With him really began the process, peculiar to our American system, of the development of constitutional law by means of judicial decisions, based upon the provisions of a fundamental written instrument and designed for its exposition and enforcement. By the masterful exercise of this momentous jurisdiction, he profoundly affected the course of the national life and won in the knowledge and affections of the American people a larger and higher place than ever has been filled by any other judicial magistrate.

From 1801 to 1835, in the thirty-four years during which he presided in the Supreme Court, sixty-two decisions were rendered involving constitutional questions, and in thirty-six of these the opinion of the court was written by Marshall. In the remaining twenty-six the preparation of the opinions was distributed among his associates, who numbered five before 1808 and after that date six. During the whole period of his service, his dissenting opinions numbered eight, only one of which involved a constitutional question. Nor was the supremacy which this record indicates confined to questions of constitutional law. The reports of the court during Marshall's tenure fill thirty volumes, containing 1,215 cases. In ninety-four of these no opinions were filed, while fifteen were decided "by the court." In the remaining 1,106 cases the opinion of the court was delivered by Marshall in 519, or nearly one-half.

A full review of the questions of constitutional law decided by the Supreme Court during Marshall's term of service would involve a comprehensive examination of the foundations on which our constitutional system has been reared; but we may briefly refer to certain leading cases by which fundamental principles were established.

In one of his early opinions he discussed and decided the question whether an Act of Congress repugnant to the Constitution is void. This question was then by

no means free from difficulty and doubt. The framers of the Constitution took care to assure its enforcement by judicial means against inconsistent State action, by the explicit provision that the Constitution itself, as well as Federal statutes and treaties, should be the "supreme law" of the land, and as such binding upon the State judges, in spite of anything in the local laws and constitutions. But as to the power of the courts to declare unconstitutional a Federal statute, the instrument was silent. There is reason to believe that this silence was not unintentional; nor would it be difficult to cite highly respectable opinions to the effect that the courts, viewed as a co-ordinate branch of the government, have no power to declare invalid an Act of the Legislature, unless they possess express constitutional authority to that effect. We have seen that Marshall expressed in the discussions of the Virginia convention a contrary view; but it is one thing to assert an opinion in debate and another thing to declare it from the bench, especially in a case involved in or related to political contests; and such a case was Marbury *v.* Madison.

Marbury was a citizen of the District of Columbia, who had been appointed as a justice of the peace by John Adams, just before his vacation of the office of President. It was one of the so-called "midnight" appointments of President Adams, which became a

subject of heated political controversy. It was alleged that Marbury's commission had been made out, sealed, and signed, but that Mr. Madison, who immediately afterwards became Secretary of State, withheld it from him. Marbury therefore applied to the Supreme Court for a writ of *mandamus* to compel its delivery. In the course of the judgment, which was delivered by Marshall, opinions were expressed on certain questions the decision of which was not essential to the determination of the case, and into these it is unnecessary now to enter, although one of them has been cited and acted upon as a precedent. But on one point the decision of the court was requisite and fundamental, and that was the point of jurisdiction. It was held that the court had no power to grant the writ, because the Federal statute by which the jurisdiction was sought to be conferred was repugnant to the Constitution of the United States. This was the great question decided, and it was a decision of the first importance, since its assertion of the final authority of the judicial power, in the interpretation and enforcement of our written constitutions, came to be accepted almost as an axiom of American jurisprudence. In the course of his reasoning, Chief Justice Marshall expressed in terms of unsurpassed clearness the principle which lay at the root of his opinion. "It is," he declared, "emphatically the province and duty of the judicial department to

say what the law is. . . . If two laws conflict with each other, the courts must decide on the operation of each. . . . If, then, the courts are to regard the Constitution, and the Constitution is superior to any ordinary Act of the Legislature, the Constitution and not such ordinary Act must govern the case to which they both apply. Those, then, who controvert the principle that the Constitution is to be considered in court as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the Constitution and see only the law. This doctrine would subvert the very foundation of all written constitutions." In subsequently applying this rule, Marshall affirmed that the courts ought never to declare an Act of Congress to be void "unless upon a clear and strong conviction of its incompatibility with the Constitution." Nevertheless, the power has been constantly and frequently exercised; and there can be no doubt that from its exercise the Supreme Court of the United States derives a political importance not possessed by any other judicial tribunal.

While the supremacy of the Constitution was thus judicially asserted over the acts of the national legislature, by another series of decisions its proper supremacy over acts of the authorities of the various States was in like manner vindicated. Of this series we may take as an example Cohens *v.* Virginia, decided in 1828. In

this case a writ of error was obtained from the Supreme Court of the United States to a court of the State of Virginia, in order to test the validity of a statute of that State which was supposed to be in conflict with a law of the United States. It was contended on the part of Virginia that the Supreme Court could exercise no supervision over the decisions of the State tribunals, and that the clause in the Judiciary Act of 1789 which purported to confer such jurisdiction was invalid. In commenting upon this argument, Chief Justice Marshall observed that if the Constitution had provided no tribunal for the final construction of itself, or of the laws or treaties of the nation, then the Constitution and the laws and treaties might receive as many constructions as there were States. He then proceeded to demonstrate that such a power of supervision existed, maintaining that the general government, though limited as to its objects, was supreme with respect to those objects, and that such a right of supervision was essential to the maintenance of that supremacy.

In 1819, he delivered in the case of McCulloch *v.* Maryland what is generally regarded as his greatest and most carefully reasoned opinion. The particular questions involved were those (1) of the power of the United States to incorporate a bank, and (2) of the freedom of a bank so incorporated from State taxation or control. The United States bank, which Congress had

rechartered in 1816, had established a branch in Maryland. Soon afterwards the Legislature passed an Act requiring all banks situated in the State to issue their notes on stamped paper, the object being to strike at the branch bank by indirectly taxing it. The case was argued before the Supreme Court by the most eminent lawyers of the day, Pinkney, Webster, and Wirt appearing for the bank, and Luther Martin, Joseph Hopkinson, and Walter Jones for the State of Maryland. The unanimous opinion of the court was delivered by Marshall. It asserted not only the power of the Federal government to incorporate a bank, but also the freedom of such a bank from the taxation, control, or obstruction of any State. While no express power of incorporation was given by the Constitution, yet it was found to be a power necessarily implied, since it was essential to the accomplishment of the objects of the Union. This principle Marshall laid down in these memorable words: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."

Of no less importance than the opinions heretofore mentioned are those that deal with the power of the general government to regulate commerce and to pre-

serve it from hindrance on the part of the States. Of these the chief example is that which was delivered in the case of Gibbons *v.* Ogden, in 1824. By the Legislature of New York an exclusive right had been granted to Chancellor Livingston and Robert Fulton for a term of years to navigate the waters of the State with steam. The validity of this statute had been maintained by the judges in New York, including Chancellor Kent, and an injunction had been issued restraining other persons from running steamboats between Elizabethtown, New Jersey, and the city of New York, although they were enrolled and licensed as coasting vessels under the laws of the United States. The Supreme Court, speaking through Marshall, held the New York statute to be unconstitutional. By the Constitution of the United States, Congress is invested with power "to regulate commerce with foreign nations and among the several States." The term "commerce" Marshall declared to embrace all the various forms of intercourse, including navigation, and he affirmed that "wherever commerce among the States goes, the judicial power of the United States goes to protect it from invasion by State legislatures."

Mr. Justice Bradley declared that it might truly be said that "the Constitution received its permanent and final form from judgments rendered by the Supreme Court during the period in which Marshall was at its

head;" and that, "with a few modifications, superinduced by the somewhat differing views on two or three points of his great successor, and aside from the new questions growing out of the Civil War and the recent constitutional amendments, the decisions made since Marshall's time have been little more than the applications of principles established by him and his venerated associates." To the rule that Marshall's great constitutional opinions continue to be received as authority, there are, however, a few exceptions, the chief of which is that delivered in the Dartmouth College Case, the particular point of which — that acts of incorporation constitute contracts which the State legislatures can neither alter nor revoke — has been greatly limited by later decisions, while its effect has been generally obviated by express reservations of the right of amendment and repeal. With rare exceptions, however, his constitutional opinions not only remain unshaken, but continue to form the very warp and woof of the law, and "can scarcely perish but with the memory of the Constitution itself." Nor should we, in estimating his achievements, lose sight of the almost uncontested ascendency which he exercised, in matters of constitutional law, over the members of the tribunal in which he presided, in spite of what might have been supposed to be their predilections. When constitutional questions trench, as they often do, on the domain of states-

manship, it is natural, especially where precedents are lacking, that judges should divide upon them in accordance with the views of government maintained by the political parties with which they previously acted; and after 1811, a majority of Marshall's associates on the bench held their appointment from administrations of the party opposed to that to which he had belonged. This circumstance, however, does not appear to have disturbed the consistent and harmonious development of the system to which he was devoted; and it was in the second half of his term of service that many of the most important cases — such as McCulloch *v.* Maryland, Cohens *v.* Virginia, and Gibbons *v.* Ogden, in which he asserted the powers of national government — were decided.

Nor is it alone upon his opinions on questions of constitutional law that Marshall's fame as a judge rests. The decisions of the Supreme Court on constitutional questions naturally attract greater popular interest than its judgments in other matters; but we have seen that its jurisdiction embraces a wide range of subjects. Nor is it desirable that its sphere of action should be circumscribed in the direction of confining it to questions that have a semi-political aspect. Indeed, it may be believed that the safety and permanence of the court would be best assured by extending rather than by contracting its jurisdiction in ordinary com-

mercial subjects. In dealing with such subjects, however, Marshall did not achieve that pre-eminence which he acquired in the domain of constitutional law, a fact doubtless to be accounted for by the defects of his early legal education, since no originality of mind can supply the place of learning in matters which depend upon reasoning more or less technical and artificial. But in the domain of international law, in which there was greater opportunity for elementary reasoning, he exhibited the same traits of mind, the same breadth and originality of thought, the same power in discovering, and the same certainty in applying, fundamental principles that distinguished him in the realm of constitutional discussions; and it was his lot on more than one occasion to blaze the way in the establishment of rules of international conduct. During the period of his judicial service, decisions were rendered by the Supreme Court in 195 cases involving questions of international law, or in some way affecting international relations. In eighty of these cases the opinion of the court was delivered by Marshall; in thirty-seven by Mr. Justice Story; in twenty-eight by Mr. Justice Johnson; in nineteen, by Mr. Justice Washington; in fourteen by Mr. Justice Livingston; in five, by Mr. Justice Thompson; and in one each by Justices Baldwin, Cushing, and Duvall. In eight the decision was rendered "by the court." In five cases Marshall dissented. As an

evidence of the respect paid to his opinions by publicists, the fact may be pointed out that Wheaton, in the first edition of his "Elements of International Law," makes 150 judicial citations, of which 105 are English and 45 American, the latter being mostly Marshall's. In the last edition he makes 214 similar citations, of which 135 are English and 79 American, the latter being largely Marshall's; and it is proper to add that one of the distinctive marks of his last edition is the extensive incorporation into his text of the words of Marshall's opinions. Out of 190 cases cited by Hall, a recent English publicist of pre-eminent merit, 54 are American, and in more than three-fifths of these the opinions are Marshall's.

One of the most far-reaching of all Marshall's opinions on questions of international law was that which he delivered in the case of the schooner "Exchange," decided by the Supreme Court in 1812. In preparing this opinion he was, as he declared, compelled to explore "an unbeaten path, with few, if any, aids from precedents or written laws;" for the status of a foreign man-of-war in a friendly port had not then been defined, even by the publicists. The "Exchange" was an American vessel, which had been captured and confiscated by the French under the Rambouillet decree, — a decree which both the Executive and the Congress of the United States had declared to constitute a viola-

tion of the law of nations. She was afterwards converted by the French government into a man-of-war, and commissioned under the name of the "Balaou." In this character she entered a port of the United States, where she was libelled by the original American owners for restitution. Reasoning by analogy, Marshall, in a remarkably luminous opinion, held that the vessel, as a French man-of-war, was not subject to the jurisdiction of the ordinary tribunals; and his opinion forms the basis of the law on the subject at the present day.

By this decision, the rightfulness or the wrongfulness of the capture and condemnation of the "Exchange" was left to be determined by the two governments as a political question. In this respect Marshall maintained, as between the different departments of government, when dealing with questions of foreign affairs, a distinction which he afterwards sedulously preserved, confining the jurisdiction of the courts to judicial questions. Thus he laid it down in the clearest terms that the recognition of national independence, or of belligerency, being in its nature a political act, belongs to the political branch of the government, and that in such matters the courts follow the political branch. Referring, on another occasion, to a similar question, he said: "In a controversy between two nations concerning national boundary, it is scarcely possible that the courts of either side should refuse to abide by the measures

adopted by its own government. . . . If those departments which are entrusted with the foreign intercourse of the nation, which assert and maintain its interests against foreign powers have unequivocally asserted its rights of dominion over a country of which it is in possession, and which it claims under a treaty; if the legislature has acted on the construction thus asserted, it is not in its own courts that this construction is to be denied" (Foster *v.* Neilson).

In the case of the American Insurance Company *v.* Canter, he asserted the right of the government to enlarge the national domain, saying: "The Constitution confers absolutely on the government of the Union the power of making war and of making treaties; consequently, that government possesses the power of acquiring territory, either by conquest or by treaty." But he held the rights of private property in such case to be inviolate (U. S. *v.* Percheman). The most luminous exposition of discovery as a source of title, and of the nature of Indian titles, is to be found in one of his opinions (Johnson *v.* McIntosh).

A fundamental doctrine of international law is that of the equality of nations. If a clear and unequivocal expression of it be desired, it may be found in the opinion of Marshall in the case of "The Antelope." "No nation," he declared, "can make a law of nations. No principle is more universally acknowledged than the

perfect equality of nations. Russia and Geneva have equal rights." And when the representatives of the United States fifty years later sought to establish at Geneva the liability of Great Britain for the depredations of the "Alabama" and other Confederate cruisers fitted out in British ports in violation of neutrality, one of the strongest authorities on which they relied was his opinion in the case of the "Gran Para."

In the decision of prize cases, Marshall, unlike some of his associates, was disposed to moderate the rigor of the English doctrines, as laid down by Sir William Scott. "I respect Sir William Scott," he declared on a certain occasion, "as I do every truly great man; and I respect his decisions; nor should I depart from them on light grounds; but it is impossible to consider them attentively without perceiving that his mind leans strongly in favor of the captors." This liberal disposition, blended with independence of judgment, led Marshall to dissent from the decision of the court in two well-known cases. In one of these, which is cited by Phillimore as the "great case" of "The Venus," it was held that the property of an American citizen domiciled in a foreign country became, on the breaking out of war with that country, immediately confiscable as enemy's property, even though it was shipped before he had knowledge of the war. Marshall dissented, maintained that a mere commercial domicile ought not to be presumed to continue

longer than the state of peace, and that the fate of the property should depend upon the conduct of the owner after the outbreak of the war, in continuing to reside and trade in the enemy's country or in taking prompt measures to return to his own. In the other case — that of the "Commercen"— he sought to disconnect the war in which Great Britain was engaged on the continent of Europe from that which she was carrying on with the United States, and to affirm the right of her Swedish ally to transport supplies to the British army in the Peninsula without infringing the duties of neutrality towards the United States. As to his opinion in the case of "The Venus," Chancellor Kent declared that there was "no doubt of its superior solidity and justice;" and it must be admitted that his opinion in the case of the "Commercen," rested on strong logical grounds, since the United States and the allies of Great Britain in the war on the Continent never considered themselves as enemies.

It is not, however, by any means essential to Marshall's pre-eminence as a judge, to show that his numerous opinions are altogether free from error or inconsistency. In one interesting series of cases, relating to the power of a nation to enforce prohibitions of commerce by the seizure of foreign vessels outside territorial waters, the views which he originally expressed in favor of the existence of such a right appear to have undergone a

marked, if not radical, change, in favor of the wise and salutary exemption of ships from visitation and search on the high seas in time of peace (Rose *v.* Himely), — a principle which he affirmed on more than one occasion (The Antelope). In the reasoning of another case, though not in its result, we may perhaps discern traces of the preconceptions formed by the advocate in the argument concerning the British debts. This was the case of Brown *v.* United States, which involved the question of the confiscability of the private property of an enemy on land, by judicial proceedings, in the absence of an Act of Congress expressly authorizing such proceedings. On the theory that war renders all property of the enemy liable to confiscation, Mr. Justice Story, with the concurrence of one other member of the Court, maintained that the Act of Congress declaring war of itself gave ample authority for the purpose. The majority held otherwise, and Marshall delivered the opinion. Referring to the practice of nations and the writings of publicists, he declared that, according to "the modern rule," "tangible property belonging to an enemy and found in the country at the commencement of war, ought not to be immediately confiscated;" that "this rule" seemed to be "totally incompatible with the idea that war does of itself vest the property in the belligerent government;" and, consequently, that the declaration of war did not authorize the confiscation. Since effect was

thus given to the modern usage of nations, it was unnecessary to declare, as he did in the course of his opinion, that "war gives to the sovereign full right to take the persons and confiscate the property of the enemy, wherever found," and that the "mitigations of this rigid rule, which the humane and wise policy of modern times has introduced into practice," though they "will more or less affect the exercise of this right," "cannot impair the right itself." Nor were the two declarations quite consistent. The supposition that usage may render unlawful the exercise of a right, but cannot impair the right itself, is at variance with sound theory. Between the effect of usage on rights, and on the exercise of rights, the law draws no precise distinction. A right derived from custom acquires no immutability or immunity from the fact that the practices out of which it grew were ancient and barbarous. We may therefore ascribe the dictum in question to the influence of preconceptions, and turn for the true theory of the law to an opinion of the same great judge, delivered twenty years later, in which he denied the right of the conqueror to confiscate private property, on the ground that it would violate "the modern usage of nations, which has become law" (U. S. *v.* Percheman).

United with extraordinary powers of mind, we find in Marshall the greatest simplicity of life and character. In this union of simplicity and strength he illustrated

the characteristics of the earlier period of our history. He has often been compared with the great judges of other countries. He has been compared with Lord Mansfield; and although he did not possess the extensive learning and elegant accomplishments of that renowned jurist, the comparison is not inappropriate when we consider their breadth of understanding and powers of reasoning; and yet Mansfield, as a member of the House of Lords, defending the prerogatives of the Crown and Parliament, and Marshall as an American patriot, sword in hand, resisting in the field the assumptions of imperial power, represent opposite conceptions. He has been compared with Lord Eldon; and it may be that in fineness of discrimination and delicate perceptions of equity he was excelled by that famous Lord Chancellor; and yet no greater contrast could be afforded than that of Eldon's uncertainty and procrastination on the bench with Marshall's bold and masterful readiness. He has been compared with Lord Stowell, and it may be conceded that in clearness of perception, skill in argument, and elegance of diction, Lord Stowell has seldom if ever been surpassed. And yet it may be said of Marshall that, in the strength and clearness of his conceptions, in the massive force and directness of his reasoning, and in the absolute independence and fearlessness with which he announced his conclusions, he presents a combination of qualities which not only does

not suffer by any comparison, but which was also peculiarly his own.

Mr. Justice Miller once declared that the Supreme Court of the United States was, "so far as ordinary forms of power are concerned, by far the feeblest branch or department of the Government. It must rely," he added, "upon the confidence and respect of the public for its just weight and influence, and it may be confidently asserted that neither with the people, nor with the country at large, nor with the other branches of the government, has there ever been found wanting that respect and confidence." The circumstance that this statement of the learned justice, himself one of the brightest ornaments of the tribunal of which he spoke, has been received with general assent, affords the strongest proof that the successors of the Great Chief Justice and his associates have in no way fallen short of the measure of their trust; for, no matter how deeply the court may as an institution have been planted in the affections of the people, and no matter how important it may be to the operation of our system of government, its position and influence could not have been preserved had its members been wanting either in character, in conduct, or in attainments.

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