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THE SCHOLAR, THE JURIST,

THE ARTIST, THE PHILANTHROPIST.

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AN ADDRESS

BEFORE THE

PHI BETA KAPPA SOCIETY OF HARVARD UNIVERSITY,

AT THEIR ANNIVERSARY, AUGUST 27, 1846.

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BY CHARLES SUMNER.

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“Then I would say to the young disciple of Truth and Beauty, who would know how to satisfy the noble impulse of his heart, through every opposition of the century,—I would say, Give the world beneath your influence a *direction* towards the good, and the tranquil rhythm of time will bring its development.”—SCHILLER.

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## A D D R E S S .

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TO-DAY is the festival of our fraternity, sacred to learning, to friendship, and to truth. From many places, remote and near, we have come together beneath the benediction of Alma Mater. We have walked in the grateful shelter of her rich embowering trees. Friend has met friend, classmate has pressed the hand of classmate, while the ruddy memories of youth and early study have risen upon the soul. And now we have come up to this church, a company of brothers, in the long, well ordered procession, commencing with the silver locks of reverend age, and closing with the fresh forms that glow with the golden blood of youth.

With hearts of gratitude, we greet among our number those whose lives are crowned by desert; especially him who, returning from conspicuous cares in a foreign land, now graces our chief seat of learning; \* and not less him who, closing an eminent career of probity and honor in the high service of the University, now voluntarily withdraws to a well earned

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\* Hon. Edward Everett, President of Harvard University.

repose.\* We salute at once the successor and the predecessor, — the rising and the setting sun. And ingenuous youth, in whose bosom are enfolded the germs of untold excellence, whose ardent soul sees visions which are closed to others by the hand of Time, commands our reverence, not less than age, rich in experience and honor. What we have we know and can measure; that which we have not is unknown and immeasurable, and there is in the uncertain promises of youth a brightness of hope transcending the realities of life. Welcome, then, not less to the young than the old; and may this our holiday brighten with harmony and joy!

As the eye wanders around our circle, it seeks in vain for a beloved form who, for many years, occupied the seat which you now fill, Mr. President. I might have looked to behold him on this occasion. But death, since we last met together, has borne him away. The love of friends, the devotion of pupils, the prayers of the nation, the concern of the world, could not shield him from the inexorable shaft. When I apply to him those admirable words which the genius and friendship of Clarendon bestowed upon Falkland, that “he was a person of such prodigious parts of learning and knowledge, of such inimitable sweetness and delight in conversation, of so flowing and obliging a humanity and goodness to mankind, and of that primitive simplicity and integrity of life,”† I need not add the name of STORY. To dwell on his character, and all

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\* Hon. Josiah Quincy, late President of Harvard University.

† History of the Rebellion, Book VII.



that he has done, were a worthy theme. But his is not the only dear countenance which returns no answering smile.

This year our Society, according to custom, has published the catalogue of its members, marking by a star the insatiate archery of death in the brief span of four years. In no period, equally short, of its history, have such shining marks been found.

“ Now kindred merit fills the sable bier,  
 Now lacerated friendship claims a tear ;  
 Year chases year, decay pursues decay ;  
 Still drops some joy from withering life away.” \*

Scholarship, Jurisprudence, Art, Humanity, each has been called to mourn its chosen champion. Pickering, the Scholar, Story, the Jurist, Allston, the Artist, Channing, the Philanthropist, have been removed. When our last catalogue was published, they were all living, each in his field of usefulness. Our catalogue of this year gathers them together with the dead. Sweet and exalted companionship! They were joined in their early lives, in their fame, in their death. They were brethren of our fraternity, sons of Alma Mater. Story and Channing were classmates. Pickering preceded them by two years only; Allston followed them by two years. As we cast our eyes upon the closing lustre of the last century, we discern this brilliant group, whose mortal light is now obscured. After the toils of his long life, Pickering sleeps serenely, in the place of his birth, near the honored dust of his father. Channing, Story, and Allston have been laid to rest in

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\* Johnson's Vanity of Human Wishes.

Cambridge, where they first tasted together of the tree of life; Channing and Story in the sweet, grassy bed of Mount Auburn, in the shadow of beautiful trees, vocal with choristers of love; Allston in the adjoining church-yard, within sound of his voice who now addresses you.

It was the custom in ancient Rome, on solemn occasions, to bring forward the images of departed friends, arrayed in their robes of office, and carefully adorned, while some one recounted what they had done, in the hope of refreshing the memory of their deeds, and of inspiring the living with new impulses to virtue. "For who," says the ancient historian, "can behold without emotion the forms of so many illustrious men, thus living as it were and breathing together in his presence? or what spectacle can be conceived more great and striking?"\* So, let me exhibit to-day the images of our departed brothers, not in robes of ceremony, or costume of office, but in the native colors of their truthful and simple characters. And while we dwell with the warmth of personal attachment upon their virtues, let us seek to comprehend and reverence the great interests which they lived to promote. Pickering, Story, Allston, Channing! Their names alone, without addition, awaken a response, which, like the far-famed echo of the woods of Dodona, will prolong itself through the livelong day. But great as they are, we feel their insignificance by the side of the causes to which their days were conse-

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\* Hampton's Polybius, Book VI.

crated, — *Knowledge, Justice, Beauty, Love*, the comprehensive attributes of God. Illustrious on earth, they were the lowly and mortal ministers of lofty and immortal truth. It is, then, **THE SCHOLAR, THE JURIST, THE ARTIST, THE PHILANTHROPIST**, whom we celebrate to-day, and whose pursuits will be the theme of my discourse.

In the presence of these characters, we shall naturally be lifted far away from the busy hum of selfish interests, from the weary pulsations of the great heart of Labor, from the madding strifes of the crowd, into serener air. It may be pleasant, on this our holiday, to range among the fair mountain-tops, to breathe their bracing atmosphere, to discern the world in diminished scenery below, — its tall spires become as pigmies, — and again to descend to the valleys with fresh ideas of the heights we should strive to reach.

In offering these tributes, I shall leave to other occasions the more appropriate labor of biographical details. I shall reverse the order in which our brothers died, taking the last first.

**JOHN PICKERING, THE SCHOLAR**, died in the month of May, 1846, aged sixty-nine, within a short period of that extreme goal which is the allotted limit of human life. By scholar, I mean a cultivator of liberal studies, a student of knowledge in its largest sense, — not merely classical, not excluding what is exclusively called science in our days, but which was unknown when the title of scholar was first established; for though Cicero dealt a sarcasm at Archimedes, he spoke with higher

truth when he beautifully recognized the common bond between all departments of knowledge. The brother whom we now mourn was a scholar, a student, as long as he lived. He did not take his place merely among what are called, by generous courtesy, *Educated Men*, with most of whom education is past and gone, men who have studied; he studied always. Life was to him an unbroken lesson, pleasant with the sweets of knowledge and the consciousness of improvement.

The world knows and reveres his learning; they only, whose privilege it was to partake somewhat of his daily life, fully know the modesty of his character. His knowledge was such that he seemed to be ignorant of nothing, while in the perfection of his humility he might seem to know nothing. By learning conspicuous before the world, his native diffidence withdrew him from its personal observation. Surely learning so great, which claimed so little, will not be forgotten. The modesty which detained him in retirement during life shall introduce him now that he is dead. Strange reward! The merit which shrank from the living gaze shall now be observed of all men. The soft voice of humility is returned in pealing echoes from the tomb.

In speaking of Pickering, I place in the front his modesty and his learning, the two attributes by which he will always be remembered. I might enlarge on his sweetness of temper, his simplicity of life, his kindness to the young, his sympathy with studies of all kinds, his sensibility to beauty, his conscientious character, his passionless mind. Could he speak to us with regard to himself, he might employ the words of

self-painting which dropped from the kindly pen of his great predecessor in the cultivation of Grecian literature, the leader in its revival in Europe, as Pickering was in some sort in America, the urbane and learned Erasmus. "For my own part," says the early scholar to his English friend, John Colet, "I best know my own failings, and therefore shall presume to give a character of myself. You have in me a man of little or no fortune, a stranger to ambition, of a strong propensity to loving-kindness and friendship, without any boast of learning, but a great admirer of it; one who has a profound veneration for any excellence in others, however he may feel the want of it in himself; who can readily yield to others in learning, but to none in integrity; a man sincere, open, and free; a hater of falsehood and dissimulation; of a mind lowly and upright; who boasts of nothing but an honest heart."\*

I have called him the scholar; for it is in this character that he leaves so choice an example of excellence. But the triumphs of his life are enhanced by the variety of his labors, and especially by his long career at the bar. He was a lawyer, whose days were worn in the faithful and uninterrupted practice of his profession, busy with clients, careful of their concerns, both in court and out of court. Each day witnessed his untiring exertions in scenes of labor having little that was attractive to his gentle and studious nature. He was formed to be a seeker of truth rather than a defender of wrong, and he found less delight in the hoarse strifes of the bar than in the peaceful conversa-

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\* *Erasmi Epist.*, Lib. V., Ep. 4.

tion of books. To him litigation was a sorry feast, and a well filled docket of cases not unlike the curious and now untasted dish of "thistles" which sometimes formed a part of a Roman banquet. He knew that the duties of the profession were important and useful; but felt that even their successful performance, when unattended by a generous juridical culture, gave a slender title to regard, while they were less pleasant and ennobling far than the disinterested pursuit of learning. He would have said, at least as regards his own profession, with the Lord Archon of the Oceana, "I will stand no more to the judgment of lawyers and divines than to that of *so many other tradesmen.*" \*

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\* Harrington's Oceana, 134. Milton, in his tract upon Education, says, — "Some are allured *to the trade of the law*, grounding their purposes not on the prudent and heavenly contemplation of justice and equity, which was never taught them, but on the promising and pleasing thoughts of litigious terms, fat contentions, and flowing fees." It is to be hoped that the words of Socrates, sharply sketching the moral dangers of professional and public life, are less applicable to our country than to ancient Athens. "It seems to me," says the wisest of Greeks, "that men trained from their youth in the tribunals and in affairs, compared with those nurtured by philosophy, are like slaves by the side of free-men. . . . Their disputes are never without some consequence; there always enters into them some personal interest, often even that of life; all this renders them sharp and ardent, skilful to win their master by flattering words, and to please him by their actions; but they have neither rectitude nor moral grandeur of soul; for the servitude in which they engage from their youth prevents them from developing themselves, takes from them all elevation and nobleness, in constraining them to act by oblique ways; and, as it exposes their souls, yet tender, to great dangers and apprehensions which they have not sufficient hardihood to affront in the name of justice and truth, they have early recourse to falsehood and to the art of injuring one another; they bend and twist in a thousand ways, and pass from youth to ripe age with a soul thoroughly corrupted,

It was the law as a trade, that he pursued reluctantly ; while he had especial happiness in the science of jurisprudence, to which he devoted many hours, rescued from other cares. By his example, and the various contributions of his pen, he elevated and adorned the study, and invested it with the charm of liberal pursuits. By marvellous assiduity, he was able to lead two lives, one producing the fruits of earth, the other those of immortality. In him was the union, rare as it is grateful, of the lawyer and the scholar. He has taught us how much may be done, amidst the toils of professional life, for the high concerns of jurisprudence and learning ; while the clear and enduring lustre of his name, dimming the glowworm scintillations of ordinary forensic success, reminds us, as by contrast, of the feeble and fugitive fame which is the lot of the *mere lawyer*, although clients may beat at his gates from the earliest cock-crowing at the dawn.

It would be impossible, on this occasion, to describe his multitudinous labors of scholarship. They were of a character that is but slightly appreciated by the world at large, although important contributions to the general sum of knowledge. They were chiefly directed to two subjects, — classical studies and general philology, if these two may be regarded separately.

His early life was marked by a special interest in classical studies. At a time when accurate and extensive scholarship in our country was rare, he aspired to

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while they imagine that they have acquired much cleverness and wisdom." Plato, *Theætetus*, cap. xxiii. Pickering was nurtured by philosophy, and his soul had the purity of freedom.

possess it. By daily and nightly studies he mastered the great exemplars of antiquity, and found delight in their beauties. His example, for many years, exerted a potent influence in commending them. But he sought, by peculiar exertions, to promote their study in the learned seminaries of our country. With unanswerable force, he urged the duty of establishing a standard of education among us, in every substantial respect commensurate with that in Europe. It was his desire to see the American youth receiving on their native soil, under the precious influence of free institutions, a course of instruction that should render foreign aid superfluous. He had a just pride of country, and wished to behold its character respected abroad in the persons of accomplished representatives, well knowing that every American scholar, wherever he wanders in foreign lands, is a living recommendation of the institutions under which he has been reared.

He knew that scholarship of all kinds would gild the life of its possessor; that it would enlarge the resources of the advocate; that it would enrich the voice of the pulpit; and strengthen the learning of medicine. He knew that it would afford a pleasant companionship in hours of relaxation from labor, in periods of sadness, and in the evening of life; that, when once embraced, it was more constant than friendship, — attending its votary, as an invisible spirit, in the toils of the day, in the watches of the night, in the changes of travel, in the alternations of fortune and health.

In commending classical studies, it would be diffi-



cult to say that he attached to them any undue importance. He showed, by his own example, that he bore them no exclusive love. He rightly regarded them as an essential part of liberal education, opening the way to other realms of knowledge, while they matured the taste and invigorated the understanding. In this view all will probably concur. It might be questioned, however, whether, in our hurried life, it were possible, with proper attention to other studies, to introduce into ordinary education the exquisite skill which is the pride of English scholarship, reminding us of the minuteness of finish in Chinese art; or the ponderous and elaborate learning which is the wonder of Germany, reminding us of the disproportion and unnatural perspective of a Chinese picture. But much may be done by the establishment of those habits of accuracy, the result of early and careful instruction, which will aid in the appreciation of the severe beauty of antiquity, while they become an invaluable standard and measure of our attainments in other things.

The classics possess a peculiar charm, from the circumstance, that they have been the models, I might almost say the masters, of composition and thought in all ages. In the contemplation of these august teachers of mankind, we are filled with conflicting emotions. They are the early voice of the world, better remembered and more cherished still than all the intermediate words that have been uttered, — as the lessons of childhood still haunt us, when the impressions of later years have been effaced from the mind.

But they show with most unwelcome frequency the tokens of the world's childhood, before passion had yielded to the sway of reason and the affections. They want the highest charm of purity, of righteousness, of elevated sentiments, of love to God and man. It is not in the frigid philosophy of the Porch and the Academy that we are to seek these; not in the marvellous teachings of Socrates, as they come mended by the mellifluous words of Plato; not in the resounding line of Homer, on whose inspiring tale of blood Alexander pillowed his head; not in the animated strain of Pindar, where virtue is pictured in the successful strife of an athlete at the Isthmian games; not in the torrent of Demosthenes, dark with self-love and the spirit of vengeance; not in the fitful philosophy and intemperate eloquence of Tully; not in the genial libertinism of Horace, or the stately atheism of Lucretius. No; these must not be our masters; in none of these are we to seek the way of life. For eighteen hundred years, the spirit of these writers has been engaged in weaponless contest with the Sermon on the Mount, and those two sublime commandments on which hang all the law and the prophets.\* The strife is still pending. Heathenism,

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\* Terence, taught, perhaps, by his own bitter experience as a slave, has given expression to truth almost Christian, when he says,

“Homo sum; humani nihil a me alienum puto.”

*Heauton.* A. 1, Sc. 1.

and in the *Andria*,

“Facile omnes perferre et pati  
Cum quibus erat cunque una; iis sese dedere,  
Eorum obsequi studiis, advorsus nemini,  
Nunquam præponens se aliis.”

A. 1, Sc. 1.

which has possessed itself of such Siren forms, is not yet exorcised. It still tempts the young, controls the affairs of active life, and haunts the meditations of age.

Our own productions, though they may yield to those of the ancients in the arrangement of ideas, in method, in beauty of form, and in freshness of illustration, are immeasurably superior in the truth, delicacy, and elevation of their sentiments, — above all, in the benign recognition of that great Christian revelation, the brotherhood of man. How vain are eloquence and poetry, compared with this heaven-descended truth! Put in one scale that simple utterance, and in the other the lore of Antiquity, with its accumulating glosses and commentaries, and the last will be light and trivial in the balance. Greek poetry has been likened to the song of the nightingale as she sits in the rich, symmetrical crown of the palm-tree, trilling her thick-warbled notes; but even this is less sweet and tender than the music of the human heart.

These things cannot be forgotten by the Christian scholar. Let him draw from the Past all that it has to contribute to the great end of life, human progress and happiness; progress, without which happiness is vain. But let him close his soul to the pernicious influence of that spirit, which is the more to be dreaded, as it is insinuated in compositions of such commanding authority.

In the department of philology, kindred to that of the classics, our scholar labored with peculiar success.

Unless some memorandum should be found among his papers, as was the case with Sir William Jones, specifying the languages to which he had been devoted, it may be difficult to frame a list with entire accuracy. It is certain that he was familiar with at least *nine*, — the English, French, Portuguese, Italian, Spanish, German, Romaic, Greek, and Latin; of these he spoke the first *five*. He was less familiar, though well acquainted, with the Dutch, Swedish, Danish, and Hebrew; and had explored, with various degrees of care, the Arabic, Turkish, Syriac, Persian, Coptic, Sanscrit, Chinese, Cochin-Chinese, Russian, Egyptian hieroglyphics, the Malay in several dialects, and particularly the Indian languages of America and of the Polynesian islands. His labors span immeasurable spaces in the world's history, — embracing the distant, primeval Sanscrit; the hieroglyphics of Egypt, now awakening from their mute sleep of centuries; the polite and learned tongues of ancient and modern Europe; the languages of Mohammedanism; the various dialects of the forests of North America, and of the sandal-groves of the Pacific; only closing with a lingua franca, from an unlettered tribe on the coast of Africa, to which his attention had been called even after the illness which ended in his death.

This recital alone shows the variety and extent of his studies in a department which is supposed to be inaccessible, except to peculiar and Herculean toils. He had a natural and intuitive perception of the affinities of languages, and of their hidden relations; and his labors and researches have thrown important

light upon the general principles that prevail in this science, as also on the history and character of individual languages. In devising an alphabet of the Indian tongues of North America, which has been since adopted in the Polynesian islands, he rendered brilliant service to civilization.\* It is pleasant to contemplate the scholar sending forth from his seclusion this priceless instrument of improvement. On the beauteous islands once moistened by the blood of Cook, newspapers and books are printed in a native language, which was reduced to a written character by the care and genius of Pickering. The Vocabulary of Americanisms, and the Greek and English Lexicon, attest still further the variety and value of his labors; nor can we sufficiently admire the facility with which, amidst the duties of an arduous profession, and other efforts of scholarship, he assumed the appalling task of the lexicographer.

It is not uncommon to listen to expressions in disparagement of the labors of the philologist, treating them sometimes as curious only, sometimes as trivial, or, when they enter into lexicography, sometimes as those of a harmless drudge. It might be sufficient to reply to these, that the exercise of the intellect in a manner calculated to promote forgetfulness of self, and the love of science opening a taste for new and

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\* There is in the correspondence of Leibnitz a proposition for a new alphabet of the Arabic, Æthiopic, Syriac, and other languages, which seems to be not unlike, in principle, that of Pickering. — Leibnitz, Opera (ed. Dutens), Vol. VI., p. 88.

simple pleasures, is really, though perhaps indirectly, ministering to human improvement. But philology may claim other suffrages. It is its province to aid in determining the character of words, their extraction, their signification, and in other ways to guide and explain the development of language; nor is it generous, while enjoying the flowers of poetry and the rich fruits of literature, to withhold our gratitude from him who spends his hours in exploring the roots and in training the tree.

But the science of Comparative Philology, which our scholar has illustrated so highly, may rank with the most brilliant pursuits. It boldly challenges a place by the side of that science which received such development from the genius of Cuvier. The study of Comparative Anatomy has thrown unexpected light on the physical history of the animate creation; but it cannot be less interesting or important to explore the unwritten history of the human race in the languages that have been spoken, to trace their pedigree, to detect their affinities, seeking the great prevailing laws by which they are governed. As we understand these things, confusion and discord retreat, the fraternity of mankind stands confessed, and the philologist becomes a minister at the altar of universal philanthropy. In the study of the past, he learns to anticipate the future; and he sees with Leibnitz, in sublime vision, the distant prospect, in the succession of ages, of that Unity of the human race, which shall find its expression in an instrument more marvellous

than the Infinite Calculus, a universal language, composed of an alphabet of human thoughts.\*

As the sun draws moisture from the rill, from the stream, from the lake, from the ocean, again to be returned in fertilizing showers upon the earth, so did our scholar derive knowledge from all sources, again to be diffused in beneficent influences upon the world. He sought it, not only in studies of all kinds, but in converse with men, and in the experience of life. His curious essay on the Pronunciation of the Ancient Greek Language was suggested by listening to the words which fell from some Greek sailors, whom the temptations of commerce had conducted from their tideless sea to our shores.

Such a character, devoted to labors of wide and enduring interest, not restrained or hemmed in by international lines, naturally awakened respect and honor, wherever learning was cultivated. His name was proudly associated with many of the most illustrious fraternities of science in foreign nations, while scholars who could not know him face to face, by an amiable commerce of letters, sought the aid and sympathy of his learning. His death has broken these living links of fellowship; but his name, that cannot die, shall continue to bind all who love knowledge and virtue to the land which was blessed by his presence.

From the Scholar I pass to THE JURIST. JOSEPH

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\* Fontenelle, *Éloge de Leibnitz*. Leibnitz, Opera (ed. Dutens), Vol. V., p. 7.

STORY died in the month of September, 1845, aged sixty-six. His countenance, so familiar in this presence, was always so beaming with goodness and kindness, that its withdrawal seems to lessen most sensibly the brightness of the scene. We are assembled near the seat of his most pleasant pursuits, among the neighbours familiar with his private virtues, close by the home hallowed by his domestic altar. These paths he often trod; and all that our eyes may here look upon seems to reflect his benignant regard. His intimate official relations with the University, his high judicial station, his higher character as a jurist, invest his name with a peculiar interest; while the unconscious kindness which he ever showed to all, and especially to the young, makes them rise up and call him blessed. How fondly would the youth nurtured in jurisprudence at his feet, were such an offering, Alcestis-like, within the allotments of Providence, —

“*similis si permutatio detur,*” \* —

have prolonged their beloved master's days at the expense of their own!

This University has already, by the voice of his learned associate, rendered its tribute of respect to his name. The tribunals of justice, throughout the country, have given utterance to their solemn grief; and the funeral torch has passed across the sea into foreign lands.

He has been heard to confess that literature was his earliest passion, which yielded only to the stern sum-

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\* Juvenal, VI., 653.



mons of duty, beckoning him to the toils of professional life ; and they who knew him best cannot forget that this sentiment pervaded his days, as with the perfume of flowers. He continued to the last fond of poetry and polite letters, and would often turn from the austere countenance of Themis to the more kindly Muses. Nor can it be doubted that this feature, which points the resemblance between him and Selden, Somers, Mansfield, and Blackstone, in England, and L'Hôpital and D'Aguesseau, in France, has added to the brilliancy and perfection of his character as a jurist. It would not be easy in the history of jurisprudence to mention a single name to whom its highest palm belongs, who was not a scholar.

The hardships of the early study of the law, which had perplexed the youthful spirit of Spelman, beset him with disheartening force. Let the young remember his trials and his triumphs, and be of good cheer. According to the custom of his day, while yet a student of law, in the town of Marblehead, he undertook to read Coke on Littleton, in the large folio edition, thatched over with those manifold annotations which cause the best trained lawyer "to gasp and stare." As he strove in vain to force his weary way through its rugged page, he was filled with despair. It was but for a moment. The tears poured from his eyes upon the open book. Those tears were his precious baptism into the learning of the law. From that time forth, he persevered with confirmed ardor and confidence, without let or hindrance.

He was elevated to a seat on the bench of the Su-

preme Court of the United States, by the side of Marshall, at the early age of thirty-two. It was at the same age that Buller, unquestionably the ablest judge of Westminster Hall, who did not arrive at the honors of Chief Justice, was induced to renounce an income larger than the salary of a judge, to take a seat by the side of Mansfield. The parallel continues. During the remainder of Mansfield's career on the bench, Buller was the friend and associate upon whom he chiefly leaned for support; and history records that it was a darling desire of the venerable chief justice, that his younger associate should succeed to his seat and chain of office; but these wishes, the hopes of the profession, and his own long services were disregarded by a minister who seldom rewarded any but political labors, — I mean Mr. Pitt. Our brother, like Buller, was the friend and associate of his venerable chief justice, by whose side he sat for many years; nor do I state any fact which is not proper in the light of history, when I add that it was the long-cherished desire of Marshall that Story should be his successor. It was ordered otherwise; and he continued a justice of the Supreme Court of the United States for the space of thirty-four years, — a judicial life of almost unexampled length in the history of the common law, of precisely the same duration with that of D'Aguesseau, the consummate chancellor of France.

As a judge, he was called upon to administer a most extensive jurisdiction, embracing matters which, in England, never come before any single judge; and in each department he has shown himself second to none

other, unless we unite with him in deferring to Marshall as the highest expounder of a branch peculiar to ourselves, constitutional law. Nor will it be easy to mention any judge who has left behind so large a number of opinions which take their place in the first class. It happens to some to excel in a special branch, to which their learning and labor have been directed. He excelled in all. He was at home in the feudal niceties of real law, with its dependencies of descents, remainders, and executory devises; also in the hair-splitting technicalities of special pleading,—both creatures of an illiterate age, gloomy with black-letter and verbal subtilties; he employed and expounded with freedom and skill the rules of evidence, the product of a more refined period of juridical history; he was master of the common law of contracts, of the wide and interesting expanse of commercial law, embracing so large a part of those topics which most concern the business of our age; he was familiar with the criminal law, which he administered with the learning of a judge and the tenderness of a parent; he had compassed the whole circle of chancery, both in its jurisdiction and its pleadings, touching, as it does, all the interests of life, and subtilely adapting the common law to our own age; and he ascended with ease to those heights of jurisprudence, less trod than others, where are extended the open, pleasant demesnes of the admiralty and public law, embracing the law of prize, and that theme into which enters history, the life of man, philosophy, learning, literature, all that human experience has recorded or established, and that Christianity has declared, the Law of Nations.

But it was not as a judge only that he labored. He sought still other means of illustrating the science of the law, and added to the cares of judicial life the responsibilities of an author and a teacher. He was moved to this by his love of the science, by his desire to aid in its elucidation, and by the irrepressible instincts of his nature, which found in incessant activity the truest repose. He was of that rare and happy constitution of mind in which occupation is the normal state. He had a genius for labor. Others may toil in the law as constantly as he, but without his loving earnestness of study. What he undertook he always did with his heart, soul, and mind ; not with reluctant, vain compliance, but with his entire nature bent to the task. As in his friendships and in the warmth of society, so he was in his studies. His heart embraced labor, as his hand grasped the hand of friend.

As a teacher, he should be gratefully remembered here. He was Dane Professor of Law in the University. By the attraction of his name students were drawn from the most remote parts of the Union ; and the Law School, which had been a sickly branch, became the golden mistletoe of our ancient oak. Besides learning unsurpassed in his profession, which he brought to these duties, he displayed other qualities which are not less important in the character of a teacher, — goodness, benevolence, and a willingness to teach. Only a good man can be a teacher ; only a benevolent man ; only a man willing to teach. He was filled with a desire to teach. He sought to mingle his mind with that of his pupil. He held it a

blessed office to pour into the souls of the young, as into celestial urns, the sweet waters of knowledge. The kindly enthusiasm of his nature found its response. The law, which is sometimes supposed to be harsh and crabbed, became inviting under his instructions. Its great principles, drawn from the wells of experience and reflection, from the sacred rules of right and wrong, from the unsounded depths of Christian truth, illustrated by the learning of sages and the judgments of courts, he unfolded so as best to inspire a love for their study, well knowing that the knowledge we may impart is trivial, compared with that awakening of the soul under the influence of which the pupil himself becomes a teacher. All of knowledge we can communicate is finite; a few pages, a few chapters, a few volumes, will embrace it; but such an influence is incalculable in its extent. It is another soul; it is the breath of a new life. Story taught as a Priest of the law, seeking to consecrate other Priests. In him the spirit spake, not with the voice of an earthly calling, but with the softness, the gentleness, the self-forgetful earnestness of one pleading in behalf of justice, of knowledge, of human happiness. His well-loved pupils hung upon his lips, and, as they left his presence, confessed a more exalted reverence for virtue, and a warmer love of knowledge for its own sake.

The spirit which filled his teachings here inspired his life. He was, in the truest sense of the term, a Jurist, a student and expounder of jurisprudence as a science; not merely a lawyer or a judge, pursuing it

as an art. This distinction, though readily perceived, is not always regarded.

The members of the profession, whether on the bench or at the bar, rarely send their regards beyond the matter directly before them. The lawyer is too often content with the applause of the court-house, the approbation of clients, "fat contentions and flowing fees." Too seldom in his life does he render voluntary aid in the development of any principle which can be felt widely beyond the limited circle in which he moves, or which can help to carry forward or secure the landmarks of justice. The judge, in the discharge of his duty, applies the law to the cases before him. He may do this discreetly, honorably, justly, benignly, in such wise that the community, who have looked to him for justice, shall pronounce his name with gratitude ; —

" that his bones,  
When he has run his course and sleeps in blessings,  
May have a tomb of orphan's tears wept on 'em." \*

But the function of the mere lawyer and judge, both of them *practising* law, is widely different from that of the jurist, who, whether judge or lawyer, examines every principle in the light of science, and seeks, while he does justice, to widen and confirm the means of justice hereafter. All ages have abounded in lawyers and judges ; there is no church-yard that does not contain their forgotten dust. But the jurist is rare. The judge passes the sentence of the law upon the prisoner at the bar face to face, — but the

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\* Henry VIII., Act 3, Scene 2.

jurist, invisible to mortal sight, yet speaks; as was said of the Roman law, swaying by the reason, when he has ceased to govern by the living voice. Such a character does not live merely for the present, whether in time or place. He lifts himself aloft, above its petty temptations, and, yielding neither to the love of gain nor to the seductions of a loud and short-lived praise, perseveres in those serene labors which help to build the mighty dome of justice, beneath which all men are to seek harmonious shelter.

It is not uncommon to listen to the complaints of lawyers and judges, as they liken their fame to that of the well-graced actor, of whose hold on the public mind only uncertain traces remain, when his voice has ceased to charm. But they labor for the present only. How can they hope to be remembered beyond the present? They are, for the most part, the instruments of a temporary and perishable purpose. How can they hope for the gratitude which attends labors that are imperishable and eternal? They do nothing for all. How can they think to be remembered beyond the operation of their labors? So far forth, in time or place, as a man's beneficent influence is felt, so far will he be gratefully commemorated. Happy may he be, if he has done aught to connect his name with the great principles of justice!

In the world's history, the lawgivers are among the highest and most godlike characters. They are the reformers of nations. They are the builders of human society. They are the fit companions of the master poets, who fill it with their melody. Man will never forget Homer, Virgil, Dante, Shakspeare, Milton,

Goethe; nor those other names of creative force, Minos, Solon, Lycurgus, Numa, Justinian, St. Louis, Napoleon. Each of these is too closely linked to human progress not to be always remembered.

In their train follow the company of jurists, whose labors have the importance without the form of legislation, and who, by their recorded opinions, uttered from the chair of a professor, from the bench of a judge, or, it may be, from the seclusion of private life, continue to rule the nations. Here are Papinian, Tribonian, Paulus, Gaius, the ancient time-honored masters of the Roman law; Cujas, its most illustrious expounder in modern times, of whom D'Aguesseau said, "Cujas has spoken the language of the law better than any modern, and perhaps as well as any ancient," and whose renown was such during his life, in the golden age of jurisprudence, that in the public schools of Germany, when his name was mentioned, all took off their hats; Dumoulin, the relative of Queen Elizabeth of England, and, like his contemporary, Cujas, the pride of France, of whose municipal law he was the most illustrious expounder, — of one of whose books it was said it had accomplished what thirty thousand soldiers of his monarch had failed to do; Hugo Grotius, the author of that great work, — at times divine, alas! at other times too much of this earth, — the *Laws of Peace and War*; Pothier, whose professor's chair was kissed in reverence by pilgrims from afar, who sent forth from his recluse life those treatises which enter so largely into the invaluable codes of France; the crabbed character, Lord Coke, and the silver-tongued magistrate, Lord Mansfield, both



of whom are among the few exemplars which the jurisprudence of the common law may boast in England; and, descending to our own day, Pardessus, of France, to whom commercial and maritime law is under a larger debt, perhaps, than to any single mind; Thibaut, of Germany, the earnest and successful advocate of a just scheme for the reduction of the unwritten law to the certainty of a written text; Savigny, who is still spared to us, the great living illustrator of the Roman law; Romagnosi, that heroic spirit of modern Italy, only lately called before the seat of justice in heaven; and in our own country, one now happily among us to-day, by his son,\* — James Kent, the unquestioned living head of American jurisprudence. These are among the jurists. Let them not be confounded with the lawyer, bustling with forensic success, although in his life, like Dunning, he may have been the arbiter of Westminster Hall, or, like Pinkney, the acknowledged chief of the American bar. The great jurist is higher far than the lawyer; as Watt, who invented the steam-engine, is higher than the journeyman who feeds its fires and pours oil upon its irritated machinery; as Washington is more exalted than the Swiss who sells the vigor of his arm and the sharpness of his spear to the largest bidder.

The lawyer is the honored artisan of the law. He may be surrounded with all the tokens of worldly success, filling the mind, perhaps, with visions destined

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\* Hon. William Kent, recently appointed Royall Professor of Law in Harvard University.

early to be dispersed; but his labors are on the things of to-day. His name is written on the sandy margin of the sounding sea, soon to be washed away by the embossed foam of the tyrannous wave. Not so is the jurist's. His is inscribed high on the immortal tablets of the law. The ceaseless flow of ages does not wear away their indestructible front; the hour-glass of time refuses to measure the period of their duration.

It is into the company of jurists that Story has now passed. It is this which secures him a place, not only in the history of his country, but in all history. It was a saying of his, often uttered in the confidence of friendship, that a man is to be measured by the horizon of his mind, whether it embraced the village, town, county, or state in which he lived, or the whole broad country, ay, the circumference of the world. In this spirit he lived and wrought, elevating himself above the present, both in time and place, and always finding in jurisprudence an absorbing interest. Only a few days before the illness which ended in his death, it was suggested to him, in conversation with regard to his life, on his intended retirement from the bench, that a wish had been expressed by many to see him a candidate for the highest political office of the country. He replied at once, spontaneously, and without hesitation, "That the station of President of the United States would not tempt him from his professor's chair, and the calm pursuit of jurisprudence." Thus spoke the Jurist. As a lawyer, a judge, a professor, he was always a jurist. While administering justice between parties, he sought to extract from their cause the ele-

ments of future justice, and to advance the science of the law. He stamped upon his judgments a value which is not restrained to the occasions on which they were pronounced. Unlike mere medals, of importance to certain private parties only, they have the currency of the gold coin of the republic, with the legend and superscription of sovereignty, wherever they go, even in foreign lands.

Many years before his death, his judgments in matters of Admiralty and Prize had arrested the attention of that illustrious judge and jurist, Lord Stowell; and Sir James Mackintosh, a name emblazoned by literature and jurisprudence, had said of them, that they were "justly admired by all cultivators of the Law of Nations."\* His words have often been cited as authority in Westminster Hall, a tribute of unwonted character to a foreign jurist; † and the Chief Justice of England has made the remarkable declaration, with regard to a point on which Story had differed from the Queen's Bench, that his opinion would, "at least, neutralize

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\* Letter of Sir James Mackintosh to the Honorable Edward Everett, dated June 3, 1824.

† This might be illustrated by many references to the English Reports. The following extract is from a letter of William Burge, Esq., Q. C., author of the learned and elaborate Commentaries on Colonial and Foreign Law, addressed to Professor Greenleaf, dated April 1, 1843. "The name of Story has shed so much lustre on the jurisprudence of his own country and that of Europe, that I can never adequately express my share of the obligations he has conferred on both. Our judges cite him with language denoting their high respect for his talents and learning. I have found in all his writings more to satisfy minute inquiries and impart the fullest information than I can ever meet with anywhere else. May that great and good man be long spared to us!"

the effect of the English decision, and induce any of their courts to consider the question as an open one.”\* In debate, in the House of Lords, Lord Campbell characterized him as “greater than any law-writer of which England could boast, or which she could bring forward, since the days of Blackstone”;† and, in a letter to our departed brother, the same distinguished magistrate said,—“I survey, with increased astonishment, your extensive, minute, exact, and familiar knowledge of English legal writers in every department of the law. A similar testimony to your juridical learning, I make no doubt, would be offered by the lawyers of France and Germany, as well as of America, and we should all concur in placing you at the head of the jurists of the present age.”‡ His authority was acknowledged in France and in Germany, the classic lands of jurisprudence;§ nor is it too much

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\* Letter of Lord Denman to Charles Sumner, dated September 29, 1840. The case to which Lord Denman referred was that of *Peters v. The Warren Insurance Company*, 3 Sumner's Rep. 389, where Mr. Justice Story dissented from the case of *Devaux v. Salvador*, 4 Adolph. & Ellis, 420.

† Speech on Lord Brougham's motion of thanks to Lord Ashburton, April 7, 1843.

‡ Letter of Lord Campbell to Mr. Justice Story, dated September 29, 1842.

§ His works were reviewed, with high praise, in the *Revue Étrangère* of Fœlix, at Paris, and in the *Kritische Zeitschrift für Rechtswissenschaft und Gesetzgebung* of Mittermaier, at Heidelberg. Some of them were translated into French and German; and that eminent jurist, Savigny, at Berlin, said of him, in a letter to Theodore S. Fay, Esq., dated November 28, 1841,—“Depuis longtemps je connais et estime votre savant compatriote comme un homme qui fait le plus grand honneur à sa double patrie, je veux dire à l'Amérique et à la jurisprudence.”

to say, that, at the moment of his death, he enjoyed a renown such as had never before been achieved, during life, by any jurist of the common law.

In mentioning these things, I merely state facts, without intending presumptuously to assert for our brother any precedence in the scale of eminent jurists. The extent of his fame is a fact. But it will not be forgotten that the cultivators of the common law have been hitherto confined to a narrow and insular reputation. Even its great master has received no higher designation on the Continent than *quidam Cocus*, a certain Coke.

In the common law was the spirit of freedom; in that of the Continent the spirit of science. The common law has given to the world the trial by jury, the writ of habeas corpus, the system of parliamentary representation, the rules and orders of debate, and that benign principle which pronounces that its air is too pure for a slave to breathe, — perhaps the five most important political establishments of modern times. From the Continent has been derived the important impulse to the systematic study, arrangement, and development of the law, — the example of Law Schools and of Codes.

Story was bred in the common law; but while admiring its vital principles of freedom, he felt how much it would gain, if illumined by the torch of science, and the light of other systems of jurisprudence. Much of the later labors of his life was specially devoted to this object; and under his hands, we behold the beginning of a new study, the science of *Comparative*

*Jurisprudence*, kindred to those other departments of knowledge which are at once the token and the har-binger of the peaceful association of nations.

I need not add that he emulated the Law Schools of the Continent; “as ever witness for him” this seat of learning.\*

On more than one occasion, he urged, with conclusive force, the importance, in our age, of reducing our unwritten law to the certainty of a Code, compiling and bringing into one body those fragments which are now scattered, like the dis severed limbs of Osiris, in all directions, through the pages of many thousand volumes.† His views on this high subject, while they were widely different from those of John Locke and Jeremy Bentham, — both of whom seem to have supposed themselves able to clothe a people in a new code as in fresh garments, — would, probably, be found to be in harmony with those now generally adopted by the jurists of the continent of Europe, and not unlike those expressed in an earlier age by Bacon and Leibnitz, the two greatest intellects that have ever been applied to topics of jurisprudence. ‡

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\* It is said, that Wolsey, to whom Ipswich and Oxford, “those twins of learning,” one of which fell with him, were so much indebted, wished also to establish a Law School; but this has not yet been done in England. — Campbell’s *Lives of the Chancellors*, Vol. I., p. 500.

† *Encyclopædia Americana*, article *Law, Legislation, Codes*, Appendix to Vol. VII., pp. 586 – 592; Report of the Commissioners of Massachusetts on the Codification of the Common Law; *American Jurist*, Vol. XVII., p. 17.

‡ See Bacon’s Offer to King James of a Digest of the Laws of England; Leibnitz, *Opera*, Epist. XV. ad Kestnerum, Tom. IV., Pars 4, p. 269; *Ratio Corporis Juris reconcinnandi*, Tom. IV., Pars 3, p. 235.

In this catholic spirit he showed the attribute of a superior mind. He loved the law with a lover's fondness, but not with a lover's blindness. He could not join with those devotees of the common law by whom it has been entitled "the perfection of reason," an anachronism as great as the assumed infallibility of the Pope; as if perfection or infallibility were to be found in this life. He was naturally led, in a becoming temper, to contemplate its amendment; and here is revealed the character of the Jurist, not content with the present, but thoughtful of the future. In a letter from him, which has been published since his death,\* he refers, with sorrow, to "what is but too common in our profession, a disposition to resist innovation, even when it is an improvement." It is only an elevated mind, that, having mastered the subtilities of the law, is willing to reform them.

And now, farewell to thee, Jurist, Master, Benefactor, Friend! May thy spirit continue to inspire a love for the science of the law! May thy example be ever fresh in the minds of the young, beaming, as in life, with encouragement, kindness, and hope!

From the grave of the Jurist, at Mount Auburn, let us walk to that of THE ARTIST, who sleeps beneath the protecting arms of those trees which cast their shadow into this church. WASHINGTON ALLSTON died in the month of July, 1843, aged sixty-three, having reached the grand climacteric, that special mile-stone

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\* Addressed to the Principal of the Dublin Law Institution, dated May 15, 1844.

on the road of life. It was Saturday night; the cares of the week were over; the pencil and brush were laid in repose; the great canvass on which for many years he had sought to perpetuate the image of Daniel confronting the idolatrous soothsayers of Belshazzar, was left, with the chalk lines designating the labors to be resumed after the rest of the Sabbath; the evening was passed in the pleasant converse of family and friends; words of benediction had fallen from his lips upon a beloved relative; all had retired for the night, leaving him alone, in health, to receive serenely the visitation of Death, sudden but not unprepared for. Happy lot! thus to be borne away, with blessings on the lips, not through the long valley of disease, amidst the sharpness of pain, and the darkness that beclouds the slowly departing spirit, but straight upward through realms of light, swiftly, yet gently, as on the wings of a dove!

The early shades of evening had begun to prevail, before the body of the Artist reached its last resting-place; and the solemn service of the church was read in the open air, by the flickering flame of a torch, fit image of life. In the group of mourners, who bore by their presence a last tribute to what was mortal in him of whom so much was immortal, stood the great Jurist. His soul, overflowing with tenderness and appreciation of merit of all kinds, was touched by the scene. In vivid words, as he slowly left the churchyard, he poured forth his admiration and his grief. Never was such an Artist mourned by such a Jurist.

Of Allston may we repeat the words in which



Burke has commemorated his friend Sir Joshua Reynolds, when he says, — “ He was the first who added the praise of the elegant arts to the other glories of his country.”\* An ingenious English writer, who sees Art at once with the eye of taste and humanity, has said, in a recent publication on our Artist: — “ It seemed to me, that in him America had lost her third great man. What Washington was as a statesman, Channing as a moralist, *that* was Allston as an Artist.” †

And here again we discern the inseparable link between character and works. Allston was a good man, with a soul refined by purity, exalted by religion, softened by love. In manner, he was simple, yet courtly, — quiet, though anxious to please, — kindly alike to all, the poor and lowly, not less than to the rich and great, — a modest, unpretending, Christian gentleman. As he spoke, in that voice of softest utterance, all were charmed to listen, and the airy-footed hours often tripped on far towards the gates of morning, before his friends could break from his spell. His character is transfigured in his works; and the Artist is always inspired by the man.

His life was consecrated to Art. He lived to diffuse Beauty, as a writer, as a poet, as a painter. As an expounder of the principles of his art, he will take a place with Leonardo da Vinci, Albert Durer, Joshua Reynolds, and Fuseli. His theory of painting, as developed in his still unpublished discourses, and in that tale of rare beauty, “ *Monaldi*,” is an instructive

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\* Prior's Life of Burke, Vol. II., pp. 189, 190.

† Mrs. Jameson's Memoirs and Essays.

memorial of his conscientious studies. In the small group of painter-poets — poets by the double title of the pencil and the pen — he holds an honored place. He was pronounced, by no less a judge than Southey, to be one of the first poets of the age. His ode on England and America, one of the choicest lyrics in the language, is immeasurably superior to the satirical verse of Salvator Rosa, and may claim companionship with the remarkable sonnets of Michel Angelo.

In his youth, while yet a pupil of the University, his busy fingers found pleasure in drawing, and there is still preserved, in the records of one of our societies, a pen-and-ink sketch from his hand. Shortly after leaving Cambridge, he repaired to Europe, in the pursuit of his art. At Paris were then collected the great masterpieces of painting and sculpture, the spoils of unholy war, robbed from their native galleries and churches, to swell the pomp of the imperial capital. There our Artist devoted his days to the diligent study of his chosen profession, particularly the department of drawing, so important to accurate art. Alluding to these thorough labors at a later day, he said, “he worked like a mechanic.” Perhaps to these may be referred his singular excellence in that necessary, but neglected branch, which is to Art what Grammar is to language. Grammar and Design are treated by Aristotle as on a level.\*

Turning his back upon Paris, and the greatness of

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\* Politics, V. 3.

the Empire, he directed his steps to Italy, the enchanted ground of literature, of history, and of art, — strown with richest memorials of the Past, — touching from scenes memorable in the story of the progress of man, — teaching by the pages of philosophers and historians, — vocal with the melody of poets, — ringing with the music which St. Cecilia protects, — glowing with the living marble and canvass, — beneath a sky of heavenly purity and brightness, — with the sunsets which Claude has painted, — parted by the Apennines, early witnesses of the unrecorded Etruscan civilization, — surrounded by the snow-capped Alps and the blue, classic waters of the Mediterranean Sea. The deluge of war, which submerged Europe, had here subsided; and our Artist took up his peaceful abode in Rome, the modern home of Art. Strange change of condition! Rome, sole surviving city of Antiquity, who once disdained all that could be wrought by the cunning hand of sculpture, —

“*Excudent alii spirantia mollius æra,  
Credo equidem : vivos ducent de marmore vultus,*”\*—

who has commanded the world by her arms, by her jurisprudence, by her church, now sways it further by her arts. Pilgrims from afar, where neither her eagles, her prætors, nor her interdicts ever reached, become the willing subjects of this new empire; and the Vatican, stored with the precious remains of Antiquity, and the touching creations of a Christian pencil, has succeeded to the Vatican whose thunders intermingled with the strifes of modern Europe.

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\* *Æneis*, VI., 847.

At Rome he was happy in the friendship of Coleridge, and in long walks in his instructive company. We can well imagine that the author of *Genevieve* and *The Ancient Mariner* would find especial sympathies with Allston. We behold these two natures, tremblingly alive to beauty of all kinds, looking together upon those majestic ruins, upon the manifold accumulations of Art, upon the marble, which almost spoke, and upon the warmer canvass, — listening together to the flow of the perpetual fountains, fed by ancient aqueducts, — musing together in the Forum on the mighty footprints of History, — and entering together, with sympathetic awe, that grand Christian church whose dome rises a majestic symbol of the comprehensive Christianity which shall embrace the whole earth. “Never judge of a work of art by its defects,” was one of the lessons of Coleridge to his companion, which, when extended, by natural expansion, to the other things of life, is a sentiment of justice and charity, of higher value than a statue of Praxiteles, or a picture of Raffael.

In England, where our Artist passed several years at a later period, his intercourse with Coleridge was renewed, and he became the friend and companion of Lamb and Wordsworth also. Afterwards, on his return to his own country, he spoke with fondness of these men, and dwelt with delight upon their genius and virtues.

In considering more particularly his character as an Artist, we should regard his attainments in three different respects, — drawing, color, and expression, or

sentiment. It has already been seen that he had devoted himself with uncommon zeal to drawing. His works bear witness to this excellence. There are chalk outlines, sketched on canvass by him, which are as clear and definite as any thing from the classic touch of Flaxman.

His excellence in *color* was remarkable. This seeming mystery, which is a distinguishing characteristic of the artists of different schools, periods, and countries, is not unlike that of language or style in literature. Color is to the painter what words are to the author; and as the writers of one age or place arrive at a peculiar mastery in the use of language, so the artists of a particular period excel in color. It would be difficult to account satisfactorily for the rich idiom suddenly assumed by our English tongue in the contemporaneous prose of Bacon, Hooker, and Jeremy Taylor, and in the unapproached variety of Shakspeare. It might be as difficult to account for the unequalled tints which shone on the canvass of Tintoretto, Paul Veronese, and Titian, masters of what is called the Venetian School. The ignorance of some inquirers has referred these glories to concealed or lost artistic rules in the combination of colors; not thinking that it can be traced only to a peculiar native talent for color, as there is a native talent for language, which was prompted to its display by circumstances difficult at this late period fully to determine. As it happens that some persons possess a peculiar and unbought felicity and copiousness of words, without an accurate knowledge of grammar,

so there are artists excelling in rich and splendid colors, but ignorant of drawing; while, on the other hand, accurate drawing is sometimes coldly clad by weak or imperfect colors.

Allston was largely endowed by nature with the talent for color, which was strongly developed under the influence of Italian art. While in Rome, he was remarked for his excellence in this respect, and received from the German painters who were there the high title of the American Titian.\* Critics of authority have said that the clearness and vigor of his coloring approached that of the elder masters.† It was rich and harmonious as the verses of the Fairy Queen, and was uniformly soft, mellow, and appropriate, without the garish brilliancy of the modern French school, which in its disturbing influence calls to mind the saying of the blind man, that red resembled the notes of a trumpet.

He affected no secret or mystery in the preparation of colors. What he knew he was ready to impart to others; his genius he could not impart. With the simple pigments, accessible alike to all, he reproduced, with glowing brush, the tints of nature. All that his eyes looked upon furnished a lesson; the flowers of the field, the foliage of the forest, the sunset glories of our western horizon, the transparent azure above us, the blackness of the storm, the soft gray of twi-

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\* Dunlap's History of the Arts of Design, Vol. II., p. 167; Mrs. Jameson's Memoirs and Sketches.

† Bunsen, Beschreibung der Stadt Rom., Vol. I., p. 538. Article on Modern Art, by K. Platner.

light, the haze of an Indian summer, the human countenance animate with thought and emotion,—and that finest color in nature, according to the ancient Greek, the blush of an ingenuous youth. These were the sources from which he drew. With a discerning spirit he mixed them on his pallet, and with the eye of sympathy saw them again on his canvass.

But richness of coloring, superadded to accuracy of drawing, cannot secure the highest place in Art. The *expression*, the sentiment, the thought, the soul, which sits on the canvass, is not less important than that which animates the printed page or beams from the human countenance. The mere imitation of inanimate nature belongs to the humbler schools of art. The skill of Zeuxis, which drew the birds to peck at the grapes on his canvass, and the triumph of Parrhasius, who deceived his rival by a painted curtain, cannot compare with those pictures which seem articulate with all the various voices of humanity. The highest form of art is that which represents man in the highest scenes and under the influence of the highest sentiments. And that quality, or characteristic, which has been sometimes called expression, is the highest element of art. It is this which gives to Raffael, who yields to Titian in color, such an eminence among artists. His soul was brimming with sympathies, which his cunning hand has kept alive in immortal pictures. Here the eye, the mouth, the countenance, the whole composition, has life,—not the life of mere imitation, copied from common nature,

but elevated, softened, purified, idealized. As we behold his works, we forget the colors in which they are robed; we gaze, as at living forms; and seem to look behind the painted screen of flesh into living souls. A genius, so largely endowed with the Promethean fire, has not unaptly been called Divine.

It was said by Plato, that nothing is beautiful, which is not morally good. But this is not a faultless proposition. Beauty is of all kinds and degrees, as it is everywhere, beneath the celestial canopy, in us and about us. It is that completeness or finish of any thing, which gives pleasure to the mind. It is to be found in the color of a flower and in the accuracy of geometry, in an act of self-sacrifice and in the rhythm of a poem, in the virtues of humanity and in the marvels of the visible world, in the meditations of a solitary soul and in the stupendous mechanism of civil society. There is beauty where there is neither life nor morality; but the highest form of beauty is in the perfection of our moral nature.

The highest beauty of expression is a grace of Christian art. It flows from the sensibilities, affections, and struggles which are peculiar to the Christian character. It breathes purity, gentleness, meekness, patience, tenderness, peace. It abhors pride, vainglory, selfishness, intemperance, lust, war. How celestial is this, compared with the grace which dwells in the perfection of form and color only! The beauty of ancient art found its highest expression in the faultless form of Aphrodite rising from the sea,\* and in the

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\* Ovid, *Tristia*, Lib. II., 527.



majestic mien of Juno, with snow-white arms, and royal robes, seated on a throne of gold;\* not in the soul-lit countenance of her who watched the infant in his manger-cradle, and throbb'd with a mother's ecstasies beneath the agonies of the cross.

Allston was a Christian artist, and the beauty of expression lends an uncommon charm to his colors. All that he did shows sensibility, refinement, delicacy, feeling, rather than force. His genius was almost feminine. As he advanced in life, this was more remarked. His pictures became more and more instinct with those higher sentiments which form the truest glory of Art.

Early in life, he had a fondness for pieces representing *banditti*; but this taste does not appear in his later works. On more than one occasion, he expressed a disinclination to paint *battle-pieces*. In so doing, his artistic taste, which did not separate morality from art, unconsciously judged the morality of the picture. Lucretius has said, in often quoted lines, that it is pleasant, when removed beyond the reach of danger, to behold the shock of contending armies:—

“Per campos instructa, tuâ sine parte pericli,  
Suave etiam belli certamina magna tueri.”†

But this is a heathen sentiment, which Christianity

\* Martial, Lib. X., Epig. 89.

† Lib. II. 5. The Greek epigrammatist, describing the Philoctetes of Parrhasius, an image of hopeless wretchedness and consuming grief, rises to a higher sentiment, when he says,—

“We blame thee, painter, though thy art commend:  
’T was time his sufferings with himself should end.”

Anthol., Lib. IV.

and humanity disown. The artist of purest aims feels that no scene of human strife can find a place in the highest art; that man, created in the image of God, should never be pictured degrading, profaning, violating that sacred image.

Were this sentiment general in art and literature, war would be shorn of its false glory. Let our poets, our historians, our orators, join with the Artist, in saying, *No battle-piece*. Let them cease to dwell, except with pain and reprobation, upon those dismal exhibitions of human passion, in which the lives of friends are devoted, to procure the death of enemies. Let no Christian pen, let no Christian tongue, dignify, by praise or picture, scenes from which God averts his eye. It is true, man has slain his fellow-man; armies have rushed in deadly shock against armies; the blood of brothers has been spilled. These are facts which history must enter sorrowfully, tearfully, in her faithful record; but let her not perpetuate the passions from which they sprung, by investing them with her attractions. Let her dwell, with eulogy and pride, on those acts which are noble, true, Christ-like in their character. Let these be preserved by the votive canvass and marble. *But no battle-pieces!*

In the progress of moral truth, the animal passions, which degrade our nature, are, by degrees, checked and subdued. The license of lust, and the brutality of intemperance, which mark the periods of a civilization inferior to our own, are now driven from public displays. Art faithfully reflects the character of the age, and libertinism and intemperance now no longer

intrude their obscene faces in any of its pictures. The time is at hand when religion, humanity, and taste will all concur in likewise rejecting any representation of human strife. Laïs and Phryne have fled; Bacchus and Silenus have been driven reeling from the scene. Mars will soon follow, howling, as with the wound which he received from the Grecian spear, in the field before Troy.

In the grand mission of teaching to nations and to individuals wherein is true greatness, Art has a noble office to perform. If she be not a herald, she is at least a handmaid, of Truth. Her lessons may not train the intellect, but they cannot fail to touch the heart. Who can measure the blessed influence of an image of beauty, affection, and truth? The Christus Conso-lator of Scheffer, voiceless and without a word, wins the soul to the Christian graces, and makes it overflow with gratitude to the artist. It is only works which, like this, are animated by the godlike part of our nature, that can hope for a wide immortality. The flowers which spring from the bad passions of man must fade and be forgotten, even as the perishing flowers of this earth; while those which are inspired by the heavenly sentiments shall live in perennial, amaranthine bloom. The Hall of Battles, at Versailles, in which Louis Philippe, the great conser-vator of peace, has arrayed, on acres of canvass, the bloody contests which disfigure the long history of France, will be shut, with mortification and shame, by a generation that shall appreciate the true glory of the kingdom.

Allston loved excellence for its own sake. He looked down upon the common strife for worldly consideration. With rare beauty of truth and expression, he said, that "Fame is the eternal shadow of excellence, from which it can never be separated." Here is revealed a volume, prompting to high thought and action, not for the sake of glory, but to advance ourselves in knowledge, in virtue, in excellence of all kinds. Our Artist has here given a fresh utterance to that sentiment which is the highest grace in the life of that great magistrate, Lord Mansfield, when, confessing the attractions of popularity, he said, it was that which followed, not which was followed after.

As we contemplate the life and works of Allston, we are inexpressibly grateful that he lived. His example is one of our most precious possessions. And yet, while we rejoice that he has done much, we seem to hear a whisper that he might have done more. His productions suggest a higher genius than they fully display; and we are sometimes disposed to praise the master rather than his works. Like a beloved character in English literature, Sir James Mackintosh, he suddenly closed a career of beautiful but fragmentary labors, leaving much undone which all had hoped he would do. The great painting which had haunted so many years of his life, and which his friends and country awaited with anxious interest, remained unfinished at last. His Virgilian sensibility and modesty would doubtless have ordered its destruction, had death arrested him less suddenly.\*

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\* The accomplished artist, Mr. West, now in Boston, has kindly fur-

Titian died, leaving, like Allston, an important picture, on which his hand had been busy down to the time of his death, still incomplete. A pious and distinguished pupil, the younger Palma, took up the la-

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nished me with the following sketch of his impressions of this picture :—  
 “For many years, I had heard of the picture, in progress, of *Belshazzar's Feast*, by Washington Allston. Upon his death, I was informed of the defaced condition in which he had left it, and, finally, of its restoration to its present state ; and among the many descriptions given me of it, as it is, there were none very flattering to his reputation. My surprise and pleasure were the greater, upon seeing it, — as it is, certainly, as far as it is wrought, one of the finest pictures I ever saw. I have looked at it again and again, and feel confident I am not mistaken in rating it as I do. There is much more of the picture finished than strikes one at first view ; the few unfinished figures in the foreground veiling, as it were, the excellence, beauty, and amount of that which is completed. The whole of the background and middle ground, or the figures next in size and adjunct to the principal figures, appear to be finished, and that with a care and completeness that are surprising. His concern was everywhere upon the picture, and the detail which pervades the whole surface of the canvass makes every inch of it teem with the subject ; and this too, strange to say, without the least detriment to that required breadth that no fine picture must want. ‘In the same hour came forth fingers of a man's hand and wrote over against the candlestick upon the plaster of the wall of the king's palace,’ &c. This is the time chosen for the picture. Of the figures in the foreground, the queen is the only one that is finished, or very nearly so. Her attitude, her intently fixed look of awe and grief at the writing on the wall, her convulsive gripe of the hand of an attendant immediately behind her, while she hears the prophet's doom, the expression in the faces of the two attendants, is one of the finest and most powerful passages of art I ever saw committed to canvass. It exhibits the drawing of Raffael with the coloring of Titian. On the right hand of the picture, as you stand before it, below the unfinished astrologers in the foreground, is a group of figures, mostly in shadow, some bending low in reverence of the prophet, — which for color, drawing, and execution, altogether, is of unsurpassable beauty. The artist aimed to make it a perfect picture ; and, if we may judge by the evidence already adduced, the trial would have terminated very much like a verdict in his favor.”

bor of his master, and, on completing it, placed it in the church for which it was destined, with this inscription :— “ That which Titian left unfinished Palma reverently completed, and dedicated the work to God.” Where is the Palma who can complete what our Titian has left unfinished ?

Let us now reverently approach the grave of the brother whom, in order of time, we were called to mourn first. WILLIAM ELLERY CHANNING, THE PHILANTHROPIST, died in the month of October, 1842, aged sixty-two. It is by an easy transition that we pass from Allston to Channing. They were friends and connections. The monumental stone which marks the last resting-place of the Philanthropist was designed by the Artist. In physical organization they were not unlike, each possessing a fineness of fibre which hardly belongs to the Anglo-Saxon stock. There were in both the same sensibility, delicacy, refinement, and truth, illumined by highest aims ; and the coloring of Allston finds a parallel in the Venetian richness of the style of Channing.

I do not speak of him as the Divine, although his labors might well have earned that title also. It is probable that no single mind in our age has exerted a greater influence over theological opinions. But I pass these by, without presuming to indicate their character. It were far better, on this occasion, to dwell on those Christian labors which should not fail to find favor alike in all churches, whether at Rome, Geneva, Canterbury, or Boston.

His beneficent influence has been widely felt and acknowledged. His words have been heard and read by thousands, in all conditions of life, and in various lands, whose hearts have been touched with gratitude towards the meek and eloquent upholder of divine truth. An American traveller, at a small village on one of the terraces of the Alps, in the Austrian Tyrol, encountered a German, who, hearing that his companion was from Boston, inquired earnestly after Channing, — saying, that the difficulty of learning the English language had been adequately repaid by the delight of his writings. A distinguished stranger, when about to visit this country, was told by a relative not less lovely in character than exalted in condition, that she envied him his journey, “for two objects that he would not fail to see, — Niagara and Channing.” We have already observed, that a critic of art has placed him in a grand American triumvirate with Allston and Washington.\* More frequently, he has been associated with Washington and Franklin; but, unlike Washington, he had no ensigns of command; unlike Franklin, he was never elevated to the pinnacle of foreign office. It is probable that since them no American has exerted an equal influence over his fellow-men. And yet, if it be asked what single important measure he has carried to a successful close, I could not answer. It is on character that he has wrought and is still producing incalculable changes.

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\* Mrs. Jameson's Memoirs and Sketches.

From the retirement of his study he has spoken to the nations and to mankind, in a voice which has made itself heard in the most distant places, and whose influence, pleading the cause of gentleness, of righteousness, and of peace, is felt by thousands on whose souls has never fallen either his spoken or written word. He is the herald of a new and greater age than any yet seen in the world's history, when the Sword shall yield to the Pen, when the Gorgon countenance of Force, hardening all that it looks upon, shall be dazzled into imbecility by the effulgence of Christian Truth. While he lived, he was ever, through good report and evil report, the champion of Humanity. "Follow my white plume," said the chivalrous monarch of France, as he plunged into the thickest of the vulgar fight. "Follow the Right," more resplendent than plume or oriflamme, was the watchword of Channing.

I have called him the Philanthropist, the lover of man, — the title of highest honor on earth. "I take goodness in this sense," says Lord Bacon, "*the affecting of the weal of men*, which is what the Grecians call *Philanthropeia*. . . . This of all virtues and dignities of the mind is the greatest, being the character of the Deity; and without it man is a busy, mischievous, wretched thing, no better than a kind of vermin." \* Lord Bacon was right. Confessing the attractions of Scholarship, awed by the majesty of the Law, fascinated by the beauty of Art, our souls bend with involuntary reverence before the angelic

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\* Essays, Of Goodness.



nature that seeks the good of his fellow-man. It is through him that God speaks. On him has descended in especial measure his divine spirit. God is love, and man most nearly resembles him in his diffusive benevolence. In heaven, we are told, the first place or degree is given to the angels of love, who are termed Seraphim; the second to the angels of light, who are termed Cherubim.

It must be confessed with sorrow, that the time has not yet come, when even his exalted labors of benevolence can find equal acceptance with all men. And now, as I undertake to speak of them in this presence, I seem to tread on half-buried cinders. I shall tread fearlessly; trusting to be loyal to the occasion, to my subject, and to myself. In the language of my own profession, I shall not travel out of the record; but I trust to be true to the record. It is fit that his name should be affectionately commemorated here. He was one of us. He was a son of the University, and for many years connected with its government as a teacher, and as a Fellow of the Corporation. To him, more, perhaps, than to any other person, is she indebted for her most distinctive opinions. His name is indissolubly connected with hers; —

“ And when thy ruins shall disclaim  
To be the treasure of his name,  
His name, that cannot fade, shall be  
An everlasting monument to thee.”\*

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\* Ben Jonson's inscription for the “ pious marble ” in honor of Drayton.

I have called him the Philanthropist ; he might also be called the Moralist, for he was the high expounder of human duties ; but his exposition of duties was no common service in the cause of humanity. His morality, etherealized and sublimed by Christian love, fortified and confirmed by Christian righteousness, was applied with unhesitating frankness to the people and affairs of his own country and age. He saw full well, that it were vain to declare, in general terms, the blessings of right and the misery of wrong, unless the special wrong was pointed out which ought to be eradicated. A general morality is apt to be inefficient. Tamerlane and Napoleon might both join in general praise of peace and condemnation of war, and entitle themselves to be enrolled, with Alexander of Russia, as the members of a Peace Society. And many people satisfy their consciences by the utterance of general truth, warmed, perhaps, by rhetorical effort, without venturing or caring to apply it practically in life. This was not the case with our Philanthropist. He sought to bring his morality to bear distinctly and pointedly upon the world. Nor was he disturbed by another suggestion, which the moralist often encounters, that his views were sound in theory, but not practical. He well knew that what is unsound in theory must be vicious in practice. He did not hesitate, therefore, to fasten upon any wrong he discerned, and attach to it a mark, which, like that of Cain, can never be wiped from its forehead. His Philanthropy was Morality in action.

As a Moralist, he knew that the highest happiness could be reached only by following the right; and as a lover of man, he sought on all occasions to inculcate this as a supreme duty. He strove to impress upon states and nations the important truth, that they were amenable to the same moral law as individuals. This proposition, if universally recognized, would open the gates of a new civilization. It is the vague and imperfect acceptance of it that is the source of national sins. The principles of morality, after they have possessed themselves of the individual, slowly pervade the body politic; and it is not uncommon to listen to the suggestion, that the state and the individual are governed by separate laws of right, — that the state may do what an individual may not do. In combating this pernicious fallacy, Channing did important service to the state. He has helped to bring government within the circle of Christian duties, and has instructed the statesman that there is one unbending rule of Right, binding alike on public and private conscience. This truth cannot be too often proclaimed. The pulpit, the press, the school, the college, should render it familiar to our ears, and pour it into our souls. Beneficent nature joins with the moralist in declaring the universality of God's laws; the flowers of the field, the rays of the sun, the morning and evening dews, the descending showers, the waves of the sea, the breezes that fan our cheeks and bear rich argosies from shore to shore, the careering storm, all that is on this earth, — nay, more, the system of which this earth is a part,

and the infinitude of the Universe, in which our system dwindles to a grain of sand, all declare one prevailing law, knowing no distinction of persons, of numbers, of masses, of size.

While Channing commended this truth, he recognized with especial fervor the rights of men. He saw in our institutions, as established in 1776, the grand animating idea of Human Rights, distinguishing us from other countries. It was this idea, which, first appearing at our nativity as a nation, shone on the path of our fathers, as the unaccustomed star in the west, which twinkled over Bethlehem.

Kindred to the idea of Human Rights was that other, which appears so often in his writings as to seem to inspire his whole philanthropy, the importance of the Individual Man. No human soul was so abject in condition as not to find sympathy and reverence from him. He confessed his brotherhood with all God's children, although separated from them by rivers, mountains, and seas; although a torrid sun had left upon them an unchangeable Ethiopian skin. Filled by this thought, he sought in all that he did to promote their elevation and happiness. He longed to do good, to be a spring of life and light to his fellow-beings. "I see nothing worth living for," he said, "but the divine virtue which endures and surrenders all things for truth, duty, and mankind."\*

In the cause of education and of temperance

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\* Channing's Works, Vol. II., p. 175.

he was an earnest laborer. He saw how essential was knowledge to a people who governed themselves, — that without it the right of voting would be a dangerous privilege, and that with it the state would be elevated, and the means of happiness infinitely diffused. His vivid imagination saw the blight of intemperance, and exposed it in glowing colors. In these causes he was sustained by the kindly sympathy of those among whom he lived.

But there were two other causes in which his soul more than in any other was engaged, particularly at the close of his life, and with which his name will be indissolubly connected ; — I mean the efforts for the abolition of those two mighty Heathen INSTITUTIONS, Slavery and War. Fain would I pass these by, on this occasion ; but not to speak of them would be to present a portrait from which the most distinctive features had been carefully removed.

And, first, as to Slavery. His attention was particularly drawn to this by his residence early in life in Virginia, and at a later day for a season in one of the West India islands. His soul was moved by its injustice and inhumanity. He saw in it an infraction of God's great law of Right and of Love, and of the Christian precept, "Whatsoever ye would that men should do to you, do ye even so to them." He regarded it as contrary to the law of nature ; and here the Philanthropist unconsciously adopted the conclusions of the Supreme Court of the United States, speaking by the mouth of Mr. Chief Justice Marshall,\* and of the Supreme Court of Massachusetts,

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\* The Antelope, 10 Wheaton's Rep. 211.

at a later day, speaking by the mouth of Mr. Chief Justice Shaw.\*

With these convictions, his duty as a Moralist and a Philanthropist did not admit of question. He saw before him a giant wrong. Almost alone he went forth to the contest. On his return from the West Indies, he first declared his views from the pulpit. At a later day, he published a book entitled *Slavery*, the most extensive treatise on any subject from his pen. Other publications followed, down to the close of his life, among which was a prophetic letter, addressed to Henry Clay, against the annexation of Texas, on the ground that it would entail upon the country war with Mexico, and would extend and fortify slavery. It is important to mention that this letter, before its publication, was read to his classmate Story, who listened to it with admiration and assent; so that the Jurist and the Philanthropist here joined in upholding benign truth.

In his defence of the liberty of the African race, he always invoked the great considerations of justice and humanity. The argument of economy, which is deemed by some minds the only one pertinent to the subject, never presented itself to him. The question of profit and loss was absorbed in that of right and wrong. His maxim was, "Any thing but slavery; poverty sooner than slavery." But while he exhibited this institution in the blackest colors of reprobation,

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\* *Commonwealth v. Aves*, 18 Pick. 211, where it is judicially declared, that "slavery is contrary to natural right, to the principles of justice, humanity, and sound policy." This has become a part of the jurisprudence of Massachusetts.

as inhuman, unjust, unchristian, unworthy of an age of light and of a republic professing freedom, his gentle soul found no word of harshness for those whom birth, education, and custom have bred in its support. He was implacable towards wrong; but used soft words towards wrong-doers. He looked forward to the day when they too, encompassed by a *moral blockade*, invisible to the eye, but more potent than navies, and under the influence of increasing Christian light, diffused from all the nations, shall have the magnanimity to acknowledge the wrong, and to set their captives free.

At the close of his life, he urged with peculiar clearness and force the duty — it was of *duties* that he spoke — of the Northern States to free themselves from all support of slavery. To this conclusion he was driven irresistibly by the ethical principle, that *what is wrong for an individual is wrong for a state*. No son of the Pilgrims would hold a fellow-man in bondage. Conscience forbids it. No son of the Pilgrims can help, through his government, to hold a fellow-man in bondage. Conscience equally forbids it. We have among us to-day a brother who, reducing to practice the teachings of Channing and the suggestions of his own conscience, has liberated the slaves which have fallen to him by inheritance.\*

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\* Hon. John Gorham Palfrey, Secretary of the Commonwealth of Massachusetts, received twenty-two slaves, by inheritance, on the death of his father, in October, 1843. They were on a plantation in Louisiana. He lost no time in taking the necessary steps for their manumission. His petition to the legislature of Louisiana for permission to set them free within the State was laid on the table by a unanimous vote.

This act finds a response of gratitude and admiration in all our hearts. In asking the Free States to disconnect themselves from all support of slavery, Channing wished them to do, as *States*, what Palfrey has done as a *man*. At the same time he dwelt with affectionate care upon the Union. He sought to reform, not to destroy; to eradicate, not to overturn; and he cherished the Union as the mother of peace, plenteousness, and joy.

Such were some of his labors in behalf of human liberty. As the mind dwells upon them, it instinctively recalls the parallel exertions of John Milton. He, too, was a defender of liberty. His Defence of the People of England drew to him, living, a wider homage than his sublime epic. But Channing's labors were of a higher order, more instinct with Christian love, more truly worthy of renown. Milton's *Defensio pro populo Anglicano* was in behalf of the *political* freedom of the English people, supposed at that time to number about four and a half millions. It was written after the "bawble" of royalty had been removed, and in the confidence that his cause was triumphantly established beneath the protecting genius of Cromwell. Channing's *Defensio pro populo Africano* was in behalf of the *personal* freedom of three millions of his fellow-men, who were held in abject bondage, none of whom knew that his eloquent

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Against many impediments, and at considerable cost, he persevered in his determination, and by a personal visit to the State speeded the act. Eighteen fellow-men, who had been slaves, have been established by his beneficence in Massachusetts and New York. Four others have been allowed to remain, as freemen, in Louisiana.



pen was pleading their cause. The labors of Milton caused his blindness; those of Channing exposed him to the shafts of obloquy and calumny. How truly might the Philanthropist have exclaimed, in the exalted words of the Sonnet to Cyriac Skinner, —

“ What supports me, dost thou ask?

The conscience, friend, to have lost them overplied

*In liberty's defence, my noble task,*

*Of which all Europe rings from side to side.”*

The same spirit of humanity and justice, which animated him in defence of liberty, also inspired his exertions for the abolition of the barbarous INSTITUTION of War. When I call war an institution, I mean the legalized, technical war, sanctioned, explained and defined by the law of nations, as a mode of determining questions of right. I mean war, the arbitrator, the umpire of right, the Ordeal by Battle, deliberately continued in this age of Christianity and civilization, as the means of justice between nations. Slavery is an institution sustained by our private municipal law. War is an institution sustained by the law of nations and the custom of mankind. Both are relics of the early ages, and have their root in violence and wrong.

And here the principle, already considered, that nations and individuals are bound by one and the same rule of right, applies with unmistakable force. Our civilization brands the Trial by Battle, by which justice in the early ages was determined between individuals, as monstrous and impious,\* and

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\* Montesquieu calls it monstrous. *Esprit des Lois*, Liv. 28, cap. 20. An early king of the Lombards, Luitprand, recognized its impiety,

it refuses to recognize any glory in the successful combatants. Christianity turns from these scenes of strife, as abhorrent to her highest injunctions. And is it right for nations to continue a usage, defined and established by a code of laws, which is monstrous and impious in individuals? The conscience answers, No.

It will be perceived that this view of the character of war leaves undisturbed that sublime question of Christian ethics, — existing only in Christian ethics, — whether the asserted right of self-defence is consistent with the meekness, the longsuffering, the submission of Christ. Channing thought it was. It is sufficient that war, when regarded as an institution, sanctioned by the law of nations as a judicial combat, raises no such question, involves no such right. When, in our age, two nations, after mutual preparations, continued perhaps through many years, appeal to war and invoke the God of battles, they *voluntarily* adopt this unchristian umpirage of right; nor can either side strongly plead the overruling *necessity*, on which alone the right of self-defence is founded. Self-defence is independent of law; it knows no law; it springs from the tempestuous urgency of the moment, which brooks neither circumscription nor delay. Define it, give it laws, circumscribe it by a code, invest it with form, re-

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while he vindicated it on the same ground on which the institution of war is sometimes maintained. “Sed propter consuetudinem gentis nostræ Longobardorum legem impiam vetare non possumus.” Muratori, *Rerum Italic. Script.*, Tom. 2, p. 65.

fine it by punctilio, and it becomes *the Duel*. And modern war, with its innumerable rules, regulations, limitations and refinements, is *the Duel of Nations*.

But these nations are communities of Christian brothers. War is, therefore, a duel between brothers.\* In this light, its impiety finds apt illustration in the Past. Far away in the early period of time, where the uncertain hues of Poetry blend with the serener light of History, our eyes discern the fatal contest between those two brothers, Eteocles and Polynices. No scene fills the mind with deeper aversion; we do not inquire which of them was in the right. The soul says, in bitterness and sorrow, *both were wrong*, and refuses to discriminate between their degrees of guilt. A just and enlightened public opinion, hereafter regarding the feuds and wars of mankind, shall condemn both sides as wrong, shall deem all wars as fratricidal, and shall see in every battle-field a scene from which to avert the countenance, as from that dismal duel beneath the walls of Grecian Thebes.

To hasten this condition of the public mind Channing beneficently labored. With a soul that kindled at the recital of every act of magnanimous virtue, of every deed of self-sacrifice in a righteous cause, his clear Christian judgment saw the mockery of what is called military glory, whether in ancient thunderbolts of war, or in the career of modern conquest. He saw that the fairest flowers cannot bloom in a

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\* "Plato civile bellum esse putat, quod Græci gerunt adversus Græcos. At Christianus Christiano proprius junctus est, quam civis civi, quam frater fratri." — Erasmi Epist., Lib. XXII., Epist. 16.

soil moistened by human blood. He saw that to overcome evil by bullets and bayonets was less great and glorious than to overcome it by good. He saw that the courage of the camp was inferior to the Christian fortitude of patience, resignation, and forgiveness of evil, — as the spirit which scourged and crucified the Saviour was less divine than that which murmured, “Father, forgive them, for they know not what they do.”

With fearless pen he arraigned that giant criminal, Napoleon Bonaparte. Witnesses came from all his fields of blood ; and the Pyramids of Egypt, the coast of Palestine, the plains of Italy, the snows of Russia, the fields of Austria, Prussia, of all Europe, sent forth their uncoffined hosts to bear testimony against the glory of their chief, and to call for the abolition of that institution in whose service they miserably perished. Never before was grand offender arraigned by such a voice, in the name of humanity and freedom. The sentence of degradation which Channing has passed, confirmed as it will be by coming generations, shall darken the name of the warrior more than any defeat of his arms or compelled abdication of his power.

By these labors Channing has enrolled himself among the benefactors of the world. He has helped the coming of that glad day, which Literature, with generous speech, Commerce, with white-winged ships, and Science, with fiery engines of speed and magical net-work of human thought, are all hastening, when the inimical distinctions of countries shall dis-

appear, when the swollen nationalities of the earth, no longer vexed by the passions of mankind, shall subside to one broad level of humanity, "illimitable and without bound"; as the mountain waves, which seem to peer into the skies, sink, when the storm is lulled, to an undisturbed expanse, wherein are mirrored the sun and stars and all the imagery of heaven.

These causes Channing upheld and commended with rare eloquence, both of tongue and pen. From lack of point, and the firm divisions of a more logical mind, his character is not to be seen in single passages, sentences, or phrases, but in the continuous and harmonious treatment of his subject. And yet everywhere the same spirit is discerned. His style was not formal or architectural in its shape or proportions; but natural and fluent, like a river. Other writers seem to construct, to build their thoughts; but his are an unbroken rolling stream. If we should seek a parallel for him as a writer, we must turn our backs upon England, and repair with our Jurist to France. Meditating on the high thoughts of Pascal, the persuasive sweetness of Fénelon, the constant and comprehensive benevolence of Castel St. Pierre, we may be reminded of Channing.

With few of the physical attributes which belong to the orator, he was an orator of surpassing grace. His soul tabernacled in a body that seemed little more than a filament of clay. He was small in stature; but when he spoke, his person seemed to dilate with the majesty of his thoughts; as the Her-

cules of Lysippus, a marvel of ancient art, though not more than a foot in height, revived in the mind the superhuman strength which overcame the Nemean lion ; —

“ Deus ille, Deus ; seseque videndum  
Indulsit, Lysippe, tibi, *parvusque videri*  
*Sentiri que ingens.*” \*

His voice was soft and musical, not loud or full in its tones ; and yet, like conscience, it made itself heard in the inmost chambers of the soul. His eloquence was that of gentleness and persuasion, pleading for religion, humanity, and justice. He did not thunder or lighten. The rude elemental forces furnish no proper image of his power. His words descended, like sunshine, upon the souls of his hearers, and under their genial influence the hard in heart were softened, while the closely hugged mantle of prejudice and error was allowed to fall to the earth.

His eloquence had not the form and fashion of forensic efforts or parliamentary debates. It ascended above these, into an atmosphere as yet unattempted in practical life. Whenever he spoke or wrote, it was with the highest aims ; not for display, not to advance himself, not for any selfish purpose, not in human strife, not in any ignoble question of dollars and cents ; but in the high service of religion and benevolence, of love of God and man. Here, indeed, are the highest sources of eloquence. Eloquence has been called action ; but it is not this alone ; it is *action, action, action*, in noble, godlike

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\* Statius, *Silv.*, Lib. IV., *Ecolg.* 6.

causes, for the good of all. It cannot be displayed, in purest perfection, in a personal pursuit of dishonest guardians, or a selfish strife for a crown; not in the defence of a murderer, or in invectives hurled at a conspirator. These are not the highest founts of eloquence. The waters may flow through meadows enamelled with flowers, that fringe their sparkling surface; but the stream descending from the mountains, whose tops of dazzling whiteness are hidden in the heavens, will burst with fresher and more powerful current on its way to the sea.

Such was our Philanthropist. As he advanced in life, his enthusiasm seemed to brighten, his soul put forth fresh blossoms of hope, his mind opened to new truths. Age brings experience; but, except in some few constitutions of rare felicity, it renders the mind indifferent to what is new, particularly in moral truth. The last months of his life were passed amid the heights of Berkshire, with a people to whom may be applied what Bentivoglio said of Switzerland, — “Their mountains become them, and they become their mountains.” It was to them that he volunteered, on the 1st of August, 1842, to deliver an address, in commemoration of that great moral victory, the peaceful emancipation of their slaves in the West Indies by the British government. These were the last public words from his lips. His final benediction, ere he was yet translated, was on the slave. His spirit, as it took its flight, seemed to say, nay, it still says, *Remember the Slave.*

Thus have I attempted, humbly and affectionately, to hold before you the images of our departed brothers, while I dwelt on the great causes in which their lives were made manifest. Servants of Knowledge, of Justice, of Beauty, of Love, they have ascended to the great Source of Knowledge, Justice, Beauty, Love. Each of our brothers is removed; but though dead, yet speaketh, informing our understandings, strengthening our sense of justice, refining our tastes, enlarging our sympathies. The body dies; but the page of the Scholar, the interpretation of the Jurist, the creation of the Artist, the beneficence of the Philanthropist, cannot die.

I have dwelt upon their lives and characters, less in grief for what we have lost, than in gratitude for what we so long possessed, and still retain, in their precious example. In proud recollection of her departed children, Alma Mater might well exclaim, in those touching words of parental grief, that she would not give her dead sons for any living sons in Christendom. Pickering, Story, Allston, Channing! A grand Quaternion! Each, in his peculiar sphere, was foremost in his country. Each might have said, what the modesty of Demosthenes did not forbid him to boast, that through him his country had been crowned abroad. Their labors were wide as the Commonwealth of Letters, Laws, Art, Humanity, and have found acceptance wherever these have dominion.

Their lives, which overflow with instruction, teach one great and commanding lesson, which speaks alike to those of every calling and pursuit, — *not to live for*



*ourselves alone.* They lived for Knowledge, Justice, Beauty, Humanity. Withdrawing from the strifes of the world, from the allurements of office, and the rage for gain, they consecrated themselves to the pursuit of excellence, and each, in his own vocation, to beneficent labor. They were all philanthropists; for the labors of all have promoted the welfare and happiness of mankind.

In the contemplation of their generous, unselfish lives, we feel the insignificance of office and wealth, which men so hotly pursue. What is office? and what is wealth? They are the expressions and representatives of what is present and fleeting only, investing their possessor, perhaps, with a brief and local regard. But let this not be exaggerated; let it not be confounded with the serene fame which is the reflection of high labors in great causes. The street lights, within the circle of their nightly scintillation, seem to outshine the distant stars, observed of men in all lands and times; but gas-lamps are not to be mistaken for the celestial luminaries. They who live only for wealth, and the things of this world, follow shadows, neglecting the great realities which are eternal on earth and in heaven. After the perturbations of life, all its accumulated possessions must be resigned, except those alone which have been devoted to God and mankind. What we do for *ourselves* perishes with this mortal dust; what we do for *others* lives in the grateful hearts of all who have felt the benefaction. Worms may destroy the body, but they cannot consume such a fame. It is fondly cherished on earth, and never forgotten in heaven.

The grand fundamental law of Humanity is the good of the whole human family, its happiness, its development, its progress. In this cause, Knowledge, Jurisprudence, Art, Philanthropy, all concur. They are the influences, more puissant than the sword, which shall lead mankind from the bondage of error into that service which is perfect freedom.

“*Hæ tibi erunt artes, pacisque imponere morem.*” \*

Our departed brothers join in summoning you to this gladsome obedience. Their examples speak for them. Go forth into the many mansions of the house of life: scholars! store them with learning; jurists! build them with justice; artists! adorn them with beauty; philanthropists! let them resound with love. Be servants of truth and duty, each in his vocation. Be sincere, pure in heart, earnest, enthusiastic. A virtuous enthusiasm is always self-forgetful and noble. It is the only inspiration now vouchsafed to man. Like Pickering, blend humility with learning. Like Story, ascend above the present, in place and time. Like Allston, regard fame only as the eternal shadow of excellence. Like Channing, bend in adoration before the right. Cultivate alike the wisdom of experience and the wisdom of hope. Mindful of the Future, do not neglect the Past; awed by the majesty of Antiquity, turn not with indifference from the Future. True wisdom looks to the ages before us, as well as behind us. Like the

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\* *Æneis* VI., 852. — Dryden, in his translation of this passage, introduces an element which is not in the original: —

“*The fettered slave set free,  
These are imperial arts, and worthy thee!*”

Janus of the Capitol, one front thoughtfully regards the Past, rich with experience, with memories, with the priceless traditions of truth and virtue; the other is earnestly directed to the All Hail Hereafter, richer still with its transcendent hopes and unfulfilled prophecies.

We stand on the threshold of a new age, which is preparing to recognize new influences. The ancient divinities of Violence and Wrong are retreating to their kindred darkness. The sun of our moral universe is entering a new ecliptic, no longer deformed by those images of animal rage, Cancer, Taurus, Leo, Sagittarius, but beaming with the mild radiance of those heavenly signs, Faith, Hope, and Charity.

“ There ’s a fount about to stream,  
 There ’s a light about to beam,  
 There ’s a warmth about to glow,  
 There ’s a flower about to blow ;  
 There ’s a midnight blackness changing  
     Into gray ;  
 Men of thought, and men of action,  
     *Clear the way.*

“ Aid the dawning, tongue and pen ;  
 Aid it, hopes of honest men ;  
 Aid it, paper ; aid it, type ;  
 Aid it, for the hour is ripe,  
 And our earnest must not slacken  
     Into play ;  
 Men of thought, and men of action,  
     *Clear the way.” \**

The age of Chivalry has gone. An age of Humanity has come. The Horse, which gave the name to

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\* Voices from the Crowd, by Charles Mackay.

the first, now yields to Man the foremost place. In serving him, in doing him good, in contributing to his welfare and elevation, there are fields of bloodless triumph, nobler far than any in which Bayard or Du Guesclin ever conquered. Here are spaces of labor wide as the world, lofty as heaven. Let me say, then, in the benison which was bestowed upon the youthful knight, — Scholars! jurists! artists! philanthropists! heroes of a Christian age, companions of a celestial knighthood, “Go forth, be brave, loyal, and successful!”

And may it be our office to-day to light a fresh beacon-fire on the venerable walls of Harvard, sacred to Truth, to Christ, and the Church,\* — to Truth Immortal, to Christ the Comforter, to the Holy Church Universal. Let the flame spread from steeple to steeple, from hill to hill, from island to island, from continent to continent, till the long lineage of fires shall illumine all the nations of the earth, animating them to the holy contests of KNOWLEDGE, JUSTICE, BEAUTY, LOVE.

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\*The legend on the early seal of Harvard University was *Veritas*. The present legend is *Christo et Ecclesiæ*.



The first of these is the fact that the
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And now a few more words to ...
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