

## DANIEL WEBSTER<sup>1</sup>

To adequately depict the character of a man who has achieved distinction in a single line of human endeavor is no easy task. When, therefore, the subject of your address has been preëminent in at least three distinct fields, and your time is of necessity limited, the attempt to do him justice is well nigh hopeless.

Ordinarily we count that man great who has so far surpassed his fellows in any single line of work as to reach a commanding eminence. But when we find one who has outdistanced all competitors in at least three different paths we have no superlatives which exactly fit his case. Until that fatal seventh day of March Daniel Webster was the most popular man this country has ever known. He was simply idolized by the bar, the bench, and the people; was said to be the greatest man that ever lived, a veritable demi god—"the god-like Daniel." Indeed it was said that no man ever satisfied the imagination so completely. And these words, mark you, came from his contemporaries. For more than thirty years he was the leading lawyer, orator, and statesman of his country. He was for eight years a member of the House of Representatives, nineteen years a United States senator, and five years Secretary of State.

True Mr. Webster was not elected to the Presidency. But who of our really great men have been? He belonged to

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that class of men too great to be President—men like Clay and Blaine to whom the title of President would have added nothing either to fame or honor.

Despite the tenacity with which men cling to life longevity is not always an unmixed blessing. Had Lord Bacon never risen to the highest honors in the state and then been degraded by the judgment of his peers and branded as “the wisest, brightest, and meanest of mankind”; had Burke shuffled off this mortal coil before he broke with his party in England and was driven by the horrors of the French Revolution into the ranks of his adversaries; had Blaine remained in the cabinet of his chief, instead of permitting that insatiable itching for the Presidency to take possession of his being and drive him into the Minneapolis convention as a competitor for the presidential nomination; had Clay the great compromiser never compromised himself on the question of the Mexican War, it would have been better for their reputation and they all doubtless would have been held in higher esteem than they are to-day. And so it would seem that but for that fatal “seventh of March speech” Webster would have gone down into history as one of the greatest men of his time, if not of all time.

Strange, indeed, is it not, that three of these men, each regarded for a time as almost angelic, fell through ambition. Had all the ends they aimed at been their country's, their God's and truth's, their names on history's page would not have been stained as they now are by foibles seemingly incident to great and small alike. Great men stand in such a fierce light that their mistakes cannot be overlooked or extenuated.

Webster was compelled to expiate his mistakes in the jeers and taunts of his former friends and admirers. You will remember that Theodore Parker said of him:—"Oh, Webster! Webster! would to God I had died for thee. I have long mourned for him as for no living or departed man. He blasted us with scornful lightning. To him to die was gain, life was the only loss." Such expressions as these were common. "Webster is a fallen star. Lucifer descending from heaven." "Webster has placed himself in the dark line of Apostates."

Whittier named him Ichabod and mourned for him as one dead:

Let not the land,  
Once proud of him  
Insult him now,  
Nor brand with deeper shame his dim,  
Dishonored brow.  
But let its humblest sons instead,  
From sea to lake,  
A long lament as for the dead  
In sadness make.

Failing to satisfy his itching palm for the Presidency, deserted by former friends, conscious of unfaithfulness to earlier ideals, clouds gathered around the evening of his life and he died like many another great man, soured by unsatisfied political aspirations. Shortly before his death he said: "I have given my life to law and politics. Law is uncertain and politics are utterly vain." The moral fiber of the man did not, it seems, comport with his mental strength.

But it is not of the man's mistakes personal or political that you wish to hear or that it is pleasant for me to dwell upon. He had the "will's defects, the blood's excess, the

earthly humors that oppress the radiant mind." But 'tis "his greatness, not his littleness" that "concerns mankind." The public may have a right to insist on personal purity in her public men, but it is the good that men do which should live after them, not the evil which should be interred with their bones. When men are called from earthly scenes "'tis not ours to gauge" but rather that Omnipotent Judge to whom alone we are accountable for our personal conduct.

It is then of his acknowledged supremacy, his unrivalled superiority in a triple aspect of which I would speak.

Not often is one justified in referring to the personal attributes and characteristics of the man. But in this instance they seem so prominent and so peculiarly identified with the subject in the different relations of which I shall speak—as lawyer, orator, and statesman—that I shall take the liberty of attempting, with the aid of the splendid likeness now before you, to give you a notion of the real man. And first let me say that although born in New England his parents were not Puritans. They came from the North of England, whereas the Puritans were almost wholly from the eastern part of that little isle. Neither by birth nor by education was he a Puritan. He went to Boston after he had acquired his education and his habits of thought had become fixed, hence he had few of the virtues and none of the faults of that people—least of all their "pronounced provincialism." I speak of this because of his broad spirit of nationality, his catholicity, which marked his whole conduct and which finally became the guiding star of his public career.

The very makeup of the man seems symbolic, and to

most of us he stands as the physical embodiment of the Federal Union. This may be due to some extent to the literature of the school books, but I think it is bottomed on a surer foundation.

He was indeed a child of nature; "like her he was un-ethical; like her he was not revolutionary; and like her he applied his powers along the lines of normal development." By nature he was a rustic, yet bore the marks of gentle blood in shapely extremities and well proportioned limbs.

Of ordinary height, large and compact of body, weighing a little less than two hundred pounds, with a swarthy complexion which gave him the cognomen of "Black Dan," straight black hair, a massive head, broad and lofty forehead, finely cut high bred massive features of no known type, crag like brows with very dark deep set eyes, which shone in action like a forge, "like charcoal in the bottom of a deep dark well," or, as Carlyle said, "dull dark eyes underneath a precipice of brows like dull anthracite furnaces needing only to be blown," with massive jaw and massive mouth artistically arched and "accurately closed," dignified, apparently cold, and given a little to pomposity, which increased with years, a tragic melancholy expression which seemed prophetic of the future, to which should be added an harmonious and melodious voice of great flexibility and power, almost always dressed in a blue swallow tailed coat with brass buttons and a yellow waistcoat—such was the man of whom Parton spoke, when he said that when he rose to speak he looked like "Jupiter in a yellow waistcoat."

The impression which he made upon his fellow men is well known. You will remember that when he visited England

an English navy on the streets of Liverpool pointed at Mr. Webster and said: "There goes the King." Sidney Smith said: "Good heavens he is a small cathedral by himself, a living lie, because no man on earth can be as great as he looks." When Thorwaldsen saw his head in a studio at Rome he said: "Aha! a design for Jupiter I see"; and could not be convinced that he was a living American.

Carlyle who was not much given to overpraise of Americans, or of anyone else for that matter, after seeing him wrote to Emerson: "He is a magnificent specimen. As a logic fencer or parliamentary Hercules one would incline to back him at first sight against all the extant world. A dignified perfectly bred man—though not of English breeding. A man worthy of the best reception among us, and meeting such I understand."

All in all there is no man in history who came into the world so well equipped for his mission. Shakespeare must have had such an one in mind when he made Hamlet say:

The front of Jove himself:—

An eye like Mars to threaten and command;  
A station like the herald Mercury  
New lighted on a heaven kissing hill;  
A combination and a form indeed,  
Where every god did seem to set his seal,  
To give the world assurance of a man.

You may well imagine how such a person full of his subject, gifted with surpassing powers of speech, careful in the selection of his words, blessed with an unusual memory, forceful and convincing in his utterances, which were full of harmony and melody, affected those who heard him. A bitter opponent who listened to his famous "seventh of

March speech" said that when Mr. Webster, speaking of secession, asked, "What is to become of me?" I was thrilled with a sense of some awful impending calamity.

Indeed his personality was such that even when he uttered a few commonplaces, as he frequently did, especially in his declining years, people went away avowing that they were of the greatest foresight and wisdom.

Webster's mind was essentially synthetic and analytic. It was neither creative nor ingenious. Indeed, few lawyers have creative genius. Their habits of thought tend to curb the imagination and are toward conservatism. They do not as a rule create anything—but disturbance—and blindly and unquestioningly follow precedent. They become strong logicians and adepts in the art of refinement, have great vigor of intellectual grasp and penetrating judgment, but are rarely, indeed, creative. The creative genius is so rare everywhere that when he comes he attracts the whole world.

Webster could construct on old foundations, but had no faculty for laying new ones. His mental processes were along historical lines—evolutionary and not revolutionary—and he had a very clear perception of that increasing purpose which has run throughout the ages. He was a great student of history, and his Plymouth Rock oration is a clear index to his habits of thought. There, as you remember, he traced the causes which, beginning with the reformation, led in the fullness of time to the colonization of America and to the establishment of those principles of liberty which even then gave promise of the mighty nation we have now grown to be. In this respect he was distinctly superior to Hamilton, but greatly inferior to him in creative power and in all that

goes to make up the real man of genius. Indeed, I think Hamilton one of the greatest political geniuses the world has ever known.

Finding such wonderful powers of synthesis and analysis as Mr. Webster possessed coupled with singular purity of style and perfectly sane mental processes we may well expect eminent success in his chosen profession—the Law. This he surely had. Notwithstanding his political mistakes no one will deny his preëminence at the bar. As would naturally be expected, I like to dwell on this side of his career. You will remember that his mother said he would “come to something or nothing, and she was not sure which.” The turning point in his career was his refusal to accept the clerkship of the County Court at a reasonably fair salary, much to his father’s disgust. But you, of course, will not be interested in the details of his professional life, and it is too long a chapter to be considered in a single address. Suffice it to say that Mr. Webster was what we would call here in the West “an all around lawyer.” He did not specialize, but took all kinds of cases—even criminal ones, in one of which he gained great fame as an orator.

There is no justification for now considering any part of his career as a lawyer except where in that capacity he had to do with cases of great political significance. No other lawyer has so ably expounded the Constitution in the forum and on the platform as Webster; and no one save Marshall, the Great Chief Justice, did so much to maintain and preserve it on its true foundations and in its just proportions.

Webster and Marshall were of like political principles and worked together for a liberal and proper interpretation

of the Constitution. Marshall of course spoke the more authoritative words; but they were delivered in the quiet recesses of the court room. A herald was needed to raise the people up to a proper conception of these judicial utterances and to inspire them with a love for the great country which Marshall was so quietly yet so efficiently constructing in his chambers. Webster thus coöperated with Marshall; but he had a wider field, larger audiences, and a more far reaching voice.

Some judicial questions are so closely related to politics, in the larger sense of that term, that it is hard to divorce them; and it is true, I think, that Marshall's fame rests chiefly on his statesmanship, although expressed in the form of judicial decisions.<sup>1</sup> Had Marshall been a follower of Jefferson, instead of Hamilton, it is not difficult to imagine the construction he would have placed upon our Great Charter.

Fortunately for posterity most of Mr. Webster's great forensic efforts have been preserved. In this respect he has a decided advantage over most of the great lawyers of his time—and there were many of them. Hamilton was no doubt a great lawyer, although he was admitted to the bar after only four months of study. But none of his legal arguments have been preserved. Indeed the lawyer's fame is generally local and evanescent. Mr. Webster was engaged in so many great and important cases and early in his career had won such fame as an orator that most of his great efforts were reported and we are now able to read them

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<sup>1</sup> See Emlin McClain's article on *Chief Justice Marshall as a Constructive Statesman* in *The Iowa Journal of History and Politics*, Vol. I, p. 427.

substantially as delivered. It is said that few great speeches read well, but this is not true of Mr. Webster's main efforts. He had the happy faculty of breathing the breath of life into the most ponderous sentences.

It is not my purpose to take up his forensic arguments in detail or to make an analysis of the questions involved and the points decided in the important cases in which he was engaged. One case, however, must be specially mentioned. It is the somewhat famous case of *McCullough vs. Maryland*, wherein the Federal Supreme Court first announced the great principle of liberal construction which was to serve for all future time as a beacon light in the interpretation of the Federal Constitution. For the purpose of pointing a way to the possible solution of impending difficulties let me here briefly state what was there decided.

First. It was held that if certain means are apparently necessary to carry into effect any of the powers expressly given by the Constitution, and be an appropriate measure to that end not prohibited by the Constitution, the degree of its necessity is a question of legislative discretion and not of judicial cognizance.

Second. That if an end be legitimate and within the scope of the Constitution, all means which are appropriate and adapted to that end may be employed.

Third. That the power of establishing a corporation, while not an end of government, may become a means of exercising powers given by the Constitution, and may be exercised by that government.

With these premises for the first member of the syllogism, and power to borrow money, to regulate commerce, and to

raise revenue, expressly granted by the Constitution, as the second, the Court held, in accord with Mr. Webster's argument, that Congress had power to incorporate a bank.

I wish to emphasize the importance of these doctrines as suggesting a possible solution of one of the troublesome questions now before the American people. If Congress may on such slender threads incorporate banks, why may it not require the incorporation of those big corporations largely engaged in interstate commerce, often with a tendency toward monopoly, which the President has denominated trusts, under the power given by the Federal Constitution to regulate commerce? This would not only enforce publicity, but place the whole matter under federal regulation and control. Would it not be well for our present day statesman to turn back to the argument of Mr. Webster in *McCullough vs. Maryland*, and to the very able opinion of the great Chief Justice, for light on a question which seems to be so perplexing? This may not be a solution, but it has occurred to me that it is worth investigating.

What objection is there to a conservative federal law for the incorporation of companies engaged in interstate commerce? Nothing it seems to me save the old notion of "States rights." What is the constitutional objection to such an enactment? None, as I believe. Nearly all new questions may be settled by reference to fundamental principles, if we but search deep enough for them.

The other distinction I would have you notice is that the attitude of the majority in Congress with reference to our recent acquisitions of territory and the final decision in the insular cases was bottomed on Mr. Webster's idea with

reference to the "March of the Constitution." At the risk of trespassing on your patience, I am going to quote what Mr. Webster said in reply to Mr. Calhoun, who was contending that the Constitution, *ex proprio vigore*, extended over all the territory belonging to the United States.

The Constitution, as the gentleman contends, extends over the territories. How does it get there? I am surprised to hear a gentleman so distinguished as a strict constructionist affirming that the Constitution extends to territories without showing us any clause in the Constitution in any way leading to that result; and to hear the gentleman maintaining that position, without showing us any way in which such a result could be inferred, increases my surprise.

After showing that the Constitution had nothing to do with land titles, domestic relations, or property rights, and that the State or territory had no law but such as it derived from the Constitution, and was entirely without government, he proceeded as follows:

When new territory has been acquired it has always been subject to the laws of Congress, to such laws as Congress thought proper to pass for its immediate government during its territorial existence, during the preparatory state in which it was to remain, until it was ready to come into the Union as one of the family of States.

This matter should no doubt be regarded as a closed incident, but it demonstrates in a most effective way Mr. Webster's great prescience and his unusual ability as a lawyer. He was unquestionably the leader of perhaps the strongest bar this country has ever had. To him as much, perhaps, as to Marshall is due the stability, the perpetuity, and the destiny of the Federal Union from the standpoint of the forum.

A good lawyer may be a great orator, although he need not be; a great orator may be a good lawyer, although this is by no means universal. But to be a great statesman and a great lawyer one must also be gifted with adequate powers of speech. Time will not permit of long dwelling on Mr. Webster's ability as an orator. From the description already given of the man it is evident that he had all of the physical attributes of the orator. But he did not rely on these alone. He was a great student, a diligent reader of the classics. He read much from Shakespeare, Milton, Johnson, and Burke—the latter I fancy he greatly resembled, although unlike the latter he did not keep on refining while his hearers were thinking of dining. In political history there was nothing which escaped him. His taste was excellent and he excelled in three almost incompatible forms of speech—at the forum, in the halls of legislation, and before the people. He has been compared with Hamilton, with Clay, with Choate, with Burke, and with Pitt—indeed with all the great orators both ancient and modern. Competent judges have declared that he suffers nothing from such comparisons. Senator Lodge, who has given the matter great thought, declares that he is unsurpassed as an orator, that his addresses combine exact balance, the living force and freshness of the spoken word, with the literary qualities which alone insure endurance. Webster did not have Burke's richness of imagery, and before a jury he fell behind Choate. He was not as florid as Chatham, and did not have the personal magnetism of Clay; but all in all he was the equal if not the superior of any of them. His oratory was at all times perfectly sane and sound and admirably suited to the occasion.

There is nothing finer in the history of forensic eloquence than his speech for the prosecution in the White murder case.

The Plymouth oration on an entirely different occasion is well nigh perfect, and the two Bunker hill orations will survive even the monument itself. His closing appeal for his alma mater in the Dartmouth College case, which it is said brought tears to the eyes of the staid Justices of the Supreme Court, has never been equalled and can never be repeated. It is the only known case of a successful appeal to the sympathy of an appellate tribunal. Ordinarily such efforts are entirely out of place in a court of last resort and fall upon unresponsive ears. One must be a master of all the arts and tricks of oratory to indulge in them.

Mr. Webster's reply to Hayne in the United States Senate is by common consent regarded as the greatest political oration that has ever been delivered. Indeed, his labors, his studies, and the thoughts of a lifetime were in preparation for this splendid exposition and defense of the Constitution. Running through all his prior orations you will notice a warp on which all his ideas regarding the government and the Constitution were woven. His life had been a constant preparation for that supreme effort. It is said that a single speech of Mirabeau's ushered in the French Revolution. Undoubtedly in the light of history Webster's address in reply to Hayne furnished the inspiration which finally throttled rebellion.

Webster was not a great constructive statesman. But he did quite as much for his country as some of his more brilliant and meteoric compatriots. Born into the Federalist

party of Hamilton and Marshall, he was nevertheless independent of party and always sacrificed its principles when they seemed to conflict with his strong sense of Nationalism. After the demise of the Federalist party through the election of Jefferson, Mr. Webster identified himself with the Whigs, where he naturally associated himself with Clay and Adams in opposition to Jackson, Benton, and Van Buren, and thus paved the way to leadership of a party which he eventually ruined.

He opposed the embargo act, opposed the conduct of the war of 1812, and insisted on a naval war instead of exhausting our resources on Canada—indeed he always stood as most statesmen have for a strong navy—but he had little sympathy with the then prevalent Federalist threats of secession on account of that war. Indeed, he openly discountenanced the measures which led to the Hartford Convention and kept his native State out of that movement which was, perhaps, quite as antagonistic to the Union as were the South Carolina nullification acts. He favored a national or United States Bank, but insisted upon its being specie paying, and was strongly opposed to paper money in all its forms. He was always a foe to irredeemable paper whether in times of war or in times of peace, and at this early day rendered yeoman service to the cause of sound money. Always for works of internal improvement and for the development of the great West, he did not share in the common New England view that the growth of the heart of the Continent would be detrimental to the sea board. Vigorous in his opposition to the “Holy Alliance,” he first announced the duty of the United States toward the oppressed of any land, and pointed

the way to the modern doctrine of intervention. As would naturally be expected, he threw his whole soul into Jackson's "force bill," which authorized the President to call out the United States troops to enforce the laws of the land and to suppress secession and treason, and in this connection he made that great speech known in his works as *The Constitution not a compact between Sovereign States*, paving the way to the magnificent reply which he was to make to Mr. Hayne's argument for the right of a State to secede. He averted another war with England through peaceable settlement of the Northeast boundary dispute, and finally settled by diplomacy the question over which the two countries contended without result in the war of 1812.

In the Cabinet he displayed as high qualities and attained as great a measure of success as any person who has ever held such a portfolio. But you are waiting I know for what I have to say regarding his attitude on the tariff question. This problem has had a most peculiar history. It has played such an important part in politics past and present, that I cannot hope to adequately present the matter from an historical standpoint in the short time allowed me.

Every one knows, of course, that Hamilton was a protectionist, and that largely through his efforts the first Congress passed a protective measure which received the approval of General Washington. The New England Federalists unaware of the latent possibilities of their babbling brooks and running streams, were opposed to Hamilton's notions, and the large majority of them were free traders. They were engaged in foreign commerce, and their merchant marine were plying all waters. Whoever has visited old

Salem and her Essex and Peabody institutes will understand the force of these suggestions. Strange as it may seem, the South and the West under the leadership of Mr. Calhoun initiated the protective policy as a party measure in the year 1816. Webster, a new England representative, opposed it as against the interests of his constituents, and again in 1820 and in 1824 he stood as the champion of free commerce, declaring the protective policy pernicious, if not unconstitutional, and subversive of commercial intercourse between nations.

But in 1828 when a bill which was so much worse from the free trader's standpoint as to be called the "bill of abominations" originating in an agitation by woolen manufacturers, which enterprise had but recently come into existence by reason of the protective policy, came before Congress, Webster spoke and voted for it, and ever afterward acted with the protectionists. He then became an advocate of the "American system" fathered by Henry Clay and matured by James G. Blaine. Indeed, he refused to go with Clay in his compromise measure to thwart the purpose of the "Force bill" which was aimed at Nullification, the exponent of which was, the same Calhoun who was largely responsible for the protective policy.

This course on the part of Mr. Webster led to the oft repeated charge of inconsistency. For a moment I wish to examine that charge in the light of some reflections on the tariff policy. And first I want to make an admission—a personal one it must be, for I speak for no party—that from a purely academic and theoretical standpoint the free trader has the better of the argument. His theory is beau-

tiful and enticing though purely Utopian and visionary. It is such stuff as dreams are made of, and entirely unsuited to our conditions and environment. Next I want to confess that protection originally was and may even now be conceded to be an expedient—but an expedient now so long followed that it has become a policy which cannot be departed from without menacing all our business interests and sapping the very foundations of our economic policy. By reason of these facts nearly all men of affairs are protectionists. The theory of free trade is the philosophy of the cloister, while the policy of protection is the wisdom of the workshop.

Daniel Webster like Thomas Jefferson was as a theorist a free trader, but as a man of affairs and as an exponent of sound economic policy for this country he, like Jefferson, became a protectionist. And such, indeed, has been the evolution in the belief of most people who have studied the question in its practical aspects, who have been a part of history, or who have studied statistics.

But whatever the point of view all, I think, will agree with Mr. Webster in his final conclusion that when a policy has once been established—expedient though it may be—it should not be changed to meet every suggestion of inequality. Believing that many industries had been built up on the faith of a protective policy he declared that it was the duty of the government at that juncture to protect and not to destroy, and that so far as was in his power he should hold steady the degree of protection already bestowed. He did not believe in strangling those industries which had been lured into life through promises of protection. It is not too

much to claim that when Mr. Webster came to observe the practical workings of the policy which he had opposed, when he saw about him in his own New England theretofore untamed and uncontrolled forces of nature bridled and harnessed for the diversion of industry and the diffusion of wealth, witnessed the steady and ample growth of the home market, the creation of opportunity for labor and Yankee inventiveness, and how closely agriculture, commerce, and manufacture were linked together, he modified to some extent at least his scholastic views regarding the tariff.

Throughout all these remarks you may have discovered the thread which if followed leads to the concluding paragraph. All that Webster did and all that he said seem to have been in preparation for the supreme moment of his life. In all his public addresses it will be found the strong, the predominant note of Nationalism. He invariably kept step to the music of the Union. He supported Jackson in his efforts to coerce South Carolina and accepted Calhoun's challenge on the doctrine of "States rights." Unconsciously, perhaps, in his advocacy of internal improvements, the building of national roads, the dredging of rivers, the establishment of light houses, and the chartering of a national bank, he was paving the way to that great effort which was to make his name secure for all time and give him a unique place in history.

The Constitution of 1789 meant something different in those days from what it did in 1861 and from what it does to-day. Hamilton seems to have been the only man among the Fathers who had any clear conception of the government they were creating, and even he used the then rife doctrines

of possible separation as a postulate for the defeat of Burr when the latter was a candidate for Governor of the State of New York. He made no public protest which I can find against what in those times seemed in a measure at least to be accepted doctrine, to-wit: the "right of a State to secede."

Viewed in the light of impartial history we can have more charity at this late day for our erring brothers of the South. You have already heard of the famous Kentucky and Virginia Resolutions; but you have not been informed, perhaps, that the same doctrines were prevalent in New England; that the Hartford Convention, convened in the town bearing that name, and, composed of tried and true Federalists, also resolved in favor of the right of nullification and secession. Josiah Quincy, a member of Congress from Massachusetts, said in 1814 in speaking on a bill for the admission of Louisiana into the Union:

If this bill passes it is my deliberate opinion, that it is a virtual dissolution of this Union; that it will free the States from their moral obligation, and as it will be the right of all so it will be the duty of one definitely to prepare for separation—amicably if they can, violently if they must.

In 1844 the legislature of Massachusetts passed a resolution to the effect that the project for the annexation of Texas unless arrested at the threshold may tend to drive these States into a dissolution of the Union. Mr. Madison in the *Federalist* admitted the doctrine of secession. Indeed, the Abolitionists of the North were boldly declaring "No Union with Slaveholders."

The spirit of true Nationalism was of slow growth, and

the idea of divided sovereignty difficult of comprehension. Indeed, it must frankly be confessed that the latter is not perfectly understood at this day, despite the baptism of blood which the Constitution from the beginning seemed destined to receive.

Had the country remained as it was when the Constitution was framed, it is doubtful if it would ever have become anything more than a mere confederacy. In those days States were treated as the units of a government of delegated powers, and men naturally regarded their allegiance to these constituent parts paramount. State pride was peculiarly potent, and the government was considered simply a compact between sovereign States which might at any time be dissolved.

That men who had been instrumental in building up these Commonwealths, who had watched their growth and development with paternal solicitude, should put the State above the nation is not to be wondered at; and at this remote period we may look back with much charity on those misguided men who recognized the sovereignty of the State as paramount to their obligations to the Union. While it was generally believed by all that the new government was to be a nation in the family of nations the exact nature of that government was not clearly understood, and the spirit of Nationalism was the product of time.

With the acquisition of the Louisiana Territory, the really cementing influences of the war of 1812, the building of national turnpikes and canals, the establishment of light houses, the creation of a national bank, the decisions of Chief Justice Marshall regarding the powers of the federal

government, and the enactment of the Fugitive Slave Law there came new notions regarding the Union. It was exercising national functions, it was bringing the citizens of the different States into closer relations, it was asserting all the powers incident to the strongest sovereignty, and the people were beginning to realize that it was their government and not a government composed of the several States. But while this spirit was evolving and growing there was at all times a very prevalent notion that the Constitution was a compact between sovereign States from which any one State had the right to withdraw at pleasure. This was freely asserted in and out of Congress, and while half-heartedly denied by a few, no one had as yet found voice for the true situation.

Jackson, the good old Democrat, had a strong notion of the true state of affairs, and had he carried out his threat and hanged a few of the nullifiers early in the conflict possibly we would have been saved from a dreadful revolution. But a great compromiser appeared. A man who had the enchanter's wand, the subtle influence of personal magnetism, and the indescribable qualities of personal leadership—Henry Clay—who, erroneously thinking that every good thing grew out of compromise, toyed with the secession sentiment until it was able through arrogance and bluster to fully entrench itself in a large number of States. Compromises are sometimes a good thing—indeed the Federal Constitution is in itself a bundle of compromises—but no one has ever been able to effectually compromise with an evil which offends against the conscience of mankind. Here is where Daniel Webster made his mistake. It is the rock on

which Henry Clay foundered, the principle which almost led us to destruction on the money question.

Such then was the state of feeling in the year 1830. The challenges of the South had for a long time gone unanswered. Indeed, from the historical standpoint they seemed to many who wanted to believe otherwise almost unanswerable. Webster had undoubtedly come out second best in his debate with Calhoun, which had been waged on the historical side of the question, but he had paved the way to a proper conception of the government if it was to stand the strain of time.

Such was the situation when an innocent resolution was introduced by Mr. Foote of Connecticut in relation to the disposition of western public lands. The South seized upon this as an attempt to prevent the development of the West; and Mr. Hayne, the gifted and theretofore invincible Senator from South Carolina, acting as the mouthpiece for Calhoun, who was the then presiding officer of the Senate and the genius of secession, made it the pretext for an assault upon New England and for the promulgation of the southern view of the fundamental law. Webster was engaged before the Supreme Court of the United States, but happened into the room just as Hayne arose to make his first address. Noting the character of the opening remarks he remained until Mr. Hayne concluded, then took the floor and made a calm reply to the charge of hostility on the part of the East toward the West. Hayne was not satisfied and gave notice that he should resume the debate. Feeling that he was a match for Webster, that he had the historical aspect of the question in his favor, adroit and eloquent as he surely was, he went to

his task with the confidence of one to whom victory is already assured. Thursday, January 20, 1830, before an immense assemblage he fulfilled his promise, and in a speech of great length made a bitter attack on New England, on Webster personally, and on the patriotism of Massachusetts. He also made a full and what was supposed to be a final exposition of the doctrine of nullification, treating it historically and theoretically, and in the very Senate of the United States hoisted the red flag of nullification and secession. This address, strong and well sustained, delivered with that force and elegance of which the great Southerner was master, seemed unanswerable. Men of the North were dejected and walked the streets with dazed and downcast eyes.

Knowing that Webster was to reply the next day his party, political, and personal friends trembled over the outcome. Some of them timidly called upon him to see if he appreciated the magnitude of his undertaking and the importance of his self-appointed task. To all he appeared indifferent and to some entirely oblivious of the situation. They left him with much fear and trepidation and went into the Senate chamber the next morning doubtful of the issue and almost dumb with fright. Not so Mr. Webster. When he appeared in the Capitol he found it filled with men and women struggling for room and packed with eager and expectant listeners. Mr. Everett, who had consulted him the evening before and who was now present to witness the great intellectual combat, was nonplussed over Webster's seeming indifference and apparent lack of preparation. But what an occasion it was for the orator. Eloquence, as the subject of this sketch once said, consists in the subject, the

man, and the occasion. Here all were present and all were utilized to the full measure.

Those who have read Mr. Webster's speech remember how he soothed the troubled waters with a short and most effective exordium, how he disposed of the personalities involved, how he turned Hayne's allusion to Banquo's ghost to his own advantage, how he vindicated the North in its attitude toward slavery, those crushing sentences on internal improvements, the justification of his attitude on the tariff question, his eulogy of the South, and particularly South Carolina, his love for the entire Union, and then how ably he defended the true principles of the constitution—that this is a people's government derived from the people, that the States had no right to interpret Federal statutes, that in case of dispute the matter should be relegated to the courts, and that the doctrine of nullification involved as a last resort appeal to arms which was nothing short of treason—then the vivid picture of the militia of South Carolina marching to the custom house with General Hayne at their head, and last of all that splendid peroration, unsurpassed and unsurpassable, which will live so long as men love liberty and value country. Read the closing paragraph:

When my eyes shall be turned for the last time to behold the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union, on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched it may be in fraternal blood. Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in this original luster, not a stripe erased, not a single star

obscured; bearing for its motto no such miserable interrogatory as, What is all this worth? Nor those other words of delusion and folly, Liberty first and Union afterwards, but everywhere, spread all over its characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment dear to every true American heart, Liberty and Union, now and forever, one and inseparable.

When it is remembered that from the Senate chamber, in full view of the assembled audience and all the Senators, "Old Glory" was floating in the breeze, filled it seemed with the very spirit of the occasion, the effect of this never to be surpassed oration may be imagined, although never fully described. Massachusetts people grew a foot it is said in a single day; and all over the North men who had been terrorized and cowed by the arrogance and insolence of the South acquired assurance and gained courage for the future. Thoughts which had lain dormant and expressionless were now crystallized and precipitated, and the spirit of Nationalism from that hour became triumphant.

Webster did not, of course, discover the fact that a nation had been created by the Constitution, and he was not the first to give voice to the doctrine of Nationalism, but he did put into words as no other could have done the fondest hopes and most fervent prayers of a patriotic people.

Jefferson was not in a strict sense the author of the Declaration of Independence, but he rounded into form in his own inimitable way the feelings of the American colonists and launched the great ship of state. Webster stepped her masts and unfurled her sails to catch the dormant spirit of Nationalism. He furnished the inspiration and sounded

the tocsin for the "boys in blue," who rallied round his words and thundered from their guns the noble sentiment of "Liberty and Union, now and forever, one and inseparable." This single sentence was Webster's message to his time and to all time. This was the shibboleth which led the American people to the terrible sacrifices they were called upon to make for the perpetuity of the Union.

If there be any apology for his "seventh of March speech," for his remaining in Tyler's cabinet after he had broken with his party, it is to be found in this thought that his passionate love of country surmounted everything. And it may be that Mr. Lincoln was actuated by the same motives when he declared that he would save the Union with slavery if he must, without slavery if he could, but at all events he should save the Union.

We may well put aside all other events in Mr. Webster's life and there yet remains enough in this single and triumphant effort to give him high place on the nation's roll of honor. He as no other fully and completely expressed the hope and faith of the nation; and his name and fame will last as long as the Union survives.

HORACE E. DEEMER

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