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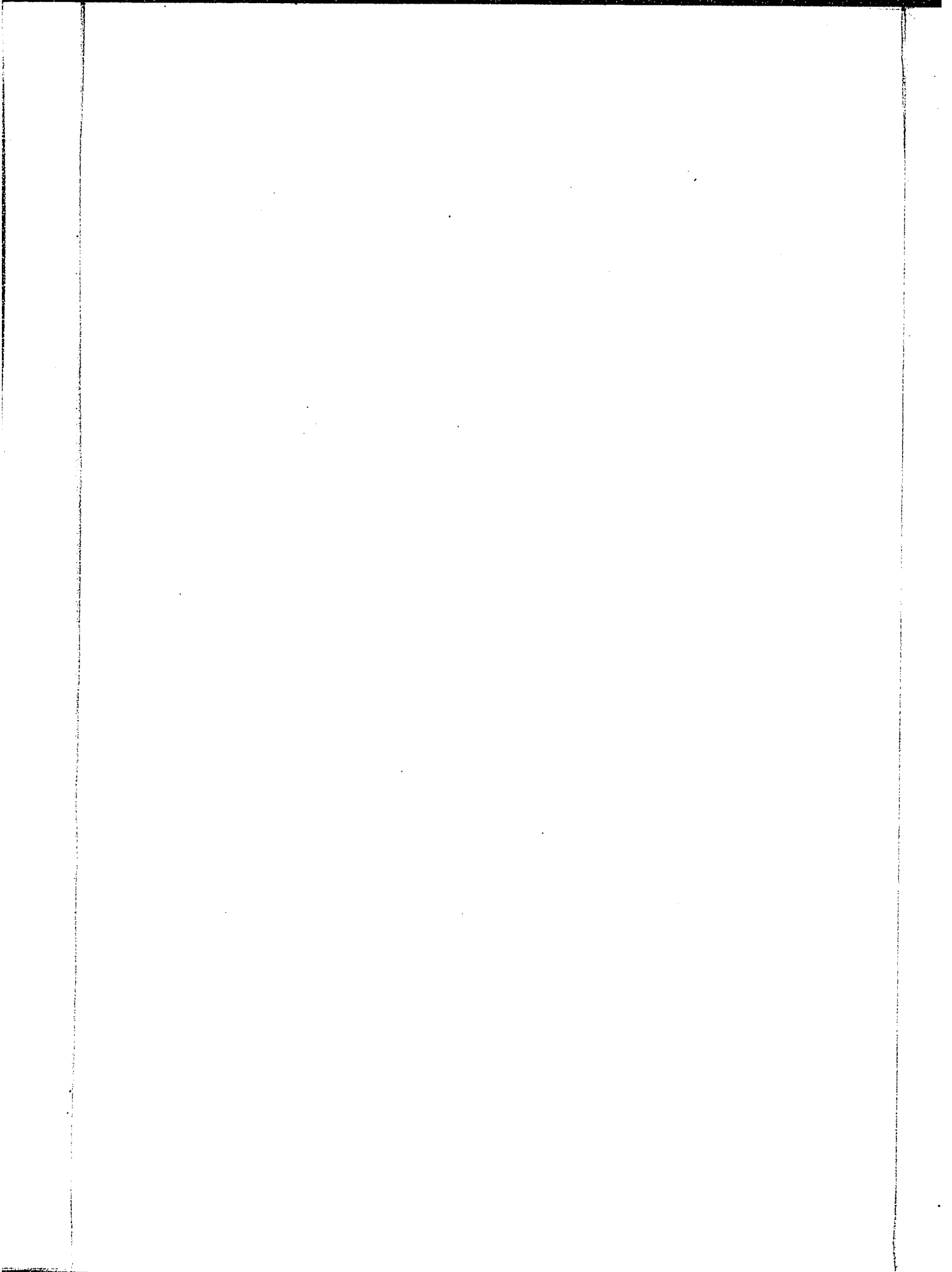
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DANIEL WEBSTER

by

THOMAS McTIERNAN

D.P.H., U.O., 1910

On January 18, 1782, three months after the surrender of Cornwallis at Yorktown had ended the war which made the United States a nation, a boy was born in Salisbury, New Hampshire, who was destined to do, in ways of peace, almost as much to preserve that nation and to develop the union of the states, as Washington had done in battle to create it. The place of his birth is significant. Before the rude cabin of the Websters stretched the interminable northern wilds with not a fixed habitation between it and the Canadian border.

The father belonged to that rugged type of pioneer that goes boldly into the wilderness to found a home and rear a family. Made of that sterner stuff which gave us in the War of Independence, our wonderfully sturdy and yet strangely patient soldiery, he had himself in that war earned the grade of Captain and won the recognition of Washington. Born of such a father it will not be strange if we find that the strongest and most distinctive trait of the son, Daniel Webster, will be his intense feeling for country, his indomitable sense of national solidarity.

If the place of his birth was significant, the time of his birth was singularly opportune. Born at the close of the Revolution, and dying in 1852, the span of his life is the period

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of our making as a nation. In this Titanic work of nation building, of creating a country out of a league of thirteen colonies (for thus it was quite generally understood in the period of his boyhood) Daniel Webster was to assume the commanding role, and to create for himself a place preeminent in our history.

A sickly child, giving no promise of the later giant, his opportunities in such a time and place were naturally limited. His mother first, odd terms at a district school, a year at Phillips' Academy, and a year's tutoring with a village minister at Boscawen, prepared him for Dartmouth College, which he entered in 1797. His entrance there was an event undreamed of by the boy and made possible only by great sacrifices on the part of the father, now warranted that father believed by the extraordinary promise of the son. He was not deceived.

In the out-lying New England home, the library facilities had of course been limited. At college, of course, all this was changed. Now books were at his hand. His memory had been so trained that he seemed to remember them all and was soon known to his class mates as the best-read man in college. His range of information and his ready command of detail which was later to astonish so many an antagonist in debate was remarkable e'er Webster had left Dartmouth.

The most extraordinary feature of his stay at Phillips' at Exeter had been the fact that he was then absolutely incapable of speaking in public. The persuasion and encouragement of his

tutors were in vain. He as yet lacked all confidence in his powers and nothing could induce him to mount the rostrum. It is interesting to note, therefore, that Webster's success, like that of the great orator of antiquity, was the result of effort and patience. These trials however had now been overcome. Before his graduation he had already become known also as the best speaker in his class.

He had made himself thoroughly acquainted with everything pertaining to his country's annals, from the landings at Jamestown and Plymouth to the dawn of the new century which he was now to enter. "Youth must prepare what age must use," said Seneca, the Roman philosopher; and the youthful Webster, at school and college, with vast toil thus heaped together the treasures which the mature Webster spent so freely. When, in 1830, the Reply to Hayne had startled a continent, much wonder was expressed that a man should be able almost extemporaneously to deliver what was to be one of the masterpieces of oratorical composition and one of the most important documents in the history of our country. "Why," explained Webster, "my whole life has been a preparation for the reply to Hayne." And thus it was.

Immediately after graduation Webster began to study law at Salisbury, in the office of Thomas Thompson, a friend of his father. Money was a rarity rather than a commodity in the Webster family at this time. We have seen to what straits they were put to send Daniel to college. The young graduate wished to procure the same advantages for his brother, Ezekiel. Part-

ly , therefore, to reimburse his father and partly to procure funds for the brother, Dan taught school for a year at Fryeburg, Maine, in the evenings, at the same time copying deeds so industriously in the office of the Registrar of Deeds that he was able to pay all of his own expenses out of his work as scribe.

After a year's teaching, the young lawyer returned to his apprenticeship with Mr. Thompson, but in July, 1804, at the age of twenty-two, was able to go to Boston to continue his studies in the office of one of the great jurists of the day, Christopher Gore, later Governor of Massachusetts.

It was in this office that he first appreciated the fact that law is an historical science, and became convinced that a student, if he would thoroughly understand it, must lay the foundations of his knowledge in history. The principles of law he not only fixed in his memory, but he traced them back, from country to country, and from age to age, until he had found their starting point in time and their origin as ideas. It was by such work that Webster prepared himself to become the leader of the American Bar, for he was a lawyer, not of facts only, but of reasons.

In 1805, because his father was now growing old and infirm, the young practitioner, for he had now been admitted to the bar, returned to New Hampshire, and in Boscawen, where he had received his first impulse to study, he hung out his sign--D. Webster, Attorney,--and waited for clients.

The first day of his practice they came. He was retained in a case before his own father, who sat as assessor or lay judge, The court room was crowded with friends who were anxious to see 'what sort of a lawyer Black Dan Webster would make'. On his side Black Dan prepared to do his best; the fact that the argument would be delivered before his own father, who would then see what all his sacrifices had been made for, put Webster on his mettle. He displayed so thorough a knowledge of the law and such wonderful oratorical ability, that he not only surprised his hearers but also won his case.

After practicing two years in this hamlet, Webster, in search of a larger field, moved to Portsmouth, the largest town in New Hampshire, leaving his practice to his brother Ezekiel. In Portsmouth he divided the honors and emoluments with the celebrated Jeremiah Mason. Mr. Mason was intellectually as well as physically a giant, and it was no small compliment to the young man from Boscawen to say he was able to hold his own with the great Portsmouth lawyer.

In May, 1808, Webster was married to the daughter of the minister at Salisbury, Grace Fletcher. She was a very lovely and charming woman, of delicate and refined sensibilities, and a devoted wife and mother. The home thus created was a pleasant one. He was advancing in his profession, steadily winning fame and respect and his children were growing up around him. With his success he began to take an active part in politics. He was first chosen to the National House of Representatives by the

Portsmouth, New Hampshire, district and took his seat in May, 1813, while the country was still engaged in the war with Great Britain. On his entrance the Speaker, Henry Clay, immediately put him on the most important Committee, that on Foreign Relations, having at that time Calhoun at its head.

Webster stood out against President Madison and the embargo, then the natural New England attitude. He spoke for individual liberty, advocated defensive warfare, a navy, and the abandonment of the restrictive laws that were ruining our commerce, and had been the main cause of the adoption of the Constitution.

Webster's addresses fell on the ear of the Congress and the Country with a new and ringing sound because they were stated with such simplicity and logic, and his words when he was roused fell like the blows of a hammer on an anvil. They lacked the polish and richness of his later efforts, but the force and power of statement and the purity of diction were all there and men began to realize that one destined to great achievements had entered the field of American politics.

His term of office expired March, 1817, and he resumed the practice of the law in Boston, whither he had moved the year previous. The period on which he now entered, and during which he withdrew from public service to devote himself to his profession, was a very important one in his career. His first great opportunity came in 1818 with the famous Dartmouth College case. It arose in this manner.

In 1816, the New Hampshire legislature undertook to alter the charter of Dartmouth College, granted by King George III in 1769; and the State courts sustained the legislature in a suit brought by the old trustees against the new. On appeal to the Supreme Court of the United States Webster contended "that the college was a charitable institution over which the legislature had no power; that its charter was a contract; that this act impaired it; that such an act was not only against Common Right and the Constitution of New Hampshire, but also against the Constitution of the United States, which forbids the individual State from passing laws which impair the obligations of contract; and that it was unconstitutional and invalid."

In behalf of his alma mater Webster made one of his most moving and famous pleas. After he had finished the theory of the case, and explained the authority of the Constitution and the dangers that might arise from allowing any State laws to infringe it, he turned to the Chief Justice and said: "Sir, you may destroy this little institution. It is weak. It is in your hand. I know it is one of the lesser lights in the literary horizon of our country. You may put it out. But, if you do, you must extinguish, one after another, all those greater lights of science which, for more than a century, have thrown their radiance over the land. It is, sir, as I have said, a small college. And yet there are those who love it!"

Here the orator's eyes filled with tears, his voice was choked and for a moment he broke down. In broken words of

tenderness he spoke of his attachments to the college, and his tones seemed filled with the memories of home and boyhood; of early affections, privations and struggles. Every person in the court room saw that this pathetic outburst was wholly unpremeditated, a pressure on his heart, which sought relief in words and tears. Having recovered his composure, Webster fixed his keen eye on the Chief Justice, and said, in that deep tone with which he sometimes thrilled an audience:

"Sir, I know not how others may feel," glancing at the opponents of the college before him, "but, for myself, when I see my alma mater surrounded like Caesar in the Senate House, by those who are inflicting stab after stab, I would not, for this right hand, have her turn to me and say and even you, my own son!"

The case owes its importance to the fact that the issue on which it finally rested settled the relation of the States under the National Constitution. In 1819, Chief Justice Marshall declared that no State legislature had the constitutional right to interfere in the affairs of an institution like Dartmouth College, established by private persons for specific purposes, and thus reversed the opinion of the Superior Court of New Hampshire.

This celebrated case argued with such success before the highest tribunal in the country, placed Webster, though but thirty-four, in the fore front of the American Bar, and while he had thus assured his position as an advocate, he was making a no less irresistible bid for a similar prominence among the orators of his country. To understand his unparalleled importance here,

it is necessary to consider for a moment the man himself.

It is well-known to all students of Webster that an English navy, having seen him pass down the streets of Liverpool declared that he had seen a king. And there was in truth always something large and majestic in his presence. To most of his contemporaries he seemed a man of titanic mould. Yet extraordinary as this must seem, it lay entirely in his carriage, for in sheer size and weight he was but slightly above the average. His head was very large, crag-like, Carlyle called it, his brain being one of the heaviest ever recorded, yet it was nobly shaped, with a broad and lofty brow, and features pronounced and full of massive strength. His swarthy color had earned him the name 'Black Dan'. His hair at this time was long, black and heavy. But in the making of that tremendous impression upon which all contemporaries agree the eyes were the strongest feature. Both Carlyle and Lodge tell us that they were very dark and deep-set, "and when he began to rouse himself to action, shone with the deep light of a forge-fire, getting ever more glowing as excitement rose."

His voice was in harmony with his appearance. It was low and musical in conversation; in debate it was high but full, ringing out in moments of excitement like a clarion, and then sinking to deep tones with the solemn richness of organ tones, while the words were accompanied by a manner in which grace and dignity mingled in complete accord. The impression which he produced upon the eye and ear it is difficult to express.

His first great oration was that delivered in 1820 on the anniversary of the landing of the Pilgrims at Plymouth. It was spoken of at the time as the most eloquent anniversary address ever delivered on this continent. In it Webster touched on the historical event, on the character of the Pilgrim, on the growth and future of the country, on liberty and constitutional principles, on education, and on human slavery. His thoughts were expressed in simple and well-chosen words. The delivery was grand and impressive, and the presentation of each successive theme glowed with subdued fire. We must remember that like Webster's later speeches, it was delivered when the power of oratory in this country was at its height and its effect upon the nation was something now unparalleled.

He was now the most conspicuous man in New England, and there was a strong popular current in favor of his return to public life. In 1823 he was elected to Congress, and in December he took his seat in that august body, this time as a representative of the people of Boston. Henry Clay gave public recognition of his importance by placing him at the head of the judiciary committee of the House, and he was universally recognized as the most brilliant man on the floor.

His return to Congress was signalized by one of his great speeches, made in favor of his own resolution to provide by law, for the expense of a commissioner to Greece.

Webster wished to show that while he should take no part in the political affairs of Europe, still it was our duty to exercise an influence upon the public sentiment of the world. The national

destiny of our country as an educator among the nations was his theme.

He briefly sketched the history of Greece, and especially of the brave struggle she was then making against Turkish barbarity. He recounted the fact that forty thousand women and children were sold into slavery which was infinitely worse than massacre. He eloquently pleaded for sympathy for the people who had been so long and so cruelly oppressed, and though he failed in his efforts, this speech was considered the ablest ever delivered in the House of Representatives.

His great orations now follow, with but a brief interval separating the first Bunker Hill Monument Address and the almost equally famous Eulogy on the Death of Adams and Jefferson. The former, delivered at Charlestown, Mass., June 17, 1825, is perhaps his greatest occasional address, and remains unequalled in American oratory. In reading it you will observe the different tones in which the audience, consisting of tens of thousands of people, is addressed, and be reminded of the care with which the speaker studied his hearers. The crowd wept and cheered; but the following passages, above all the rest brought intense emotion.

"We come, as Americans, to mark a spot which must forever be dear to us and our posterity. We wish that whosoever, in all coming time, shall turn his eye hither, may behold that the place is not undistinguished where the first great battle of the Revolution was fought. We wish that this structure may proclaim the magnitude and importance of that event to every class and every age. We wish that infancy may learn the purpose of its

erection from maternal lips, and that weary and withered age may behold it, and be solaced with the recollections which it suggests.

"We wish, finally, that the last object on the sight of him who leaves his native shore, and the first to gladden him who revisits it, may be something which shall remind him of the liberty and the glory of his country. Let it rise, till it meet the sun in his coming; let the earliest light of the morning gild it, and parting day linger and play on its summit."

He turned to address the veterans of the actual battle, 'the veterans of half a century, the remnant of many a well-fought field who brought with them marks of honor from Trenton and Monmouth, from Yorktown, Camden, Bennington, and Saratoga'.

Then turning back to the mighty multitude, he concluded with one of his greatest bursts of eloquence, ending with the impressive words:

"Let the sacred obligations which have devolved upon this generation, and on us, sink deep into our hearts. Those are daily dropping from among us who established our liberty and our government. The great trust now descends to new hands. Let us apply ourselves to that which is presented to us, as our appropriate object. Let us cultivate a spirit of union and harmony. Let us extend our ideas over the whole of the vast field in which we are called to act. Let our object be, our country, our whole country, and nothing but our country. And by the blessings of God, may that country itself become a vast and splendid monument, not of oppression and terror, but of wisdom, of peace, and of liberty, upon which the world may gaze with admiration forever!"

We have spoken of Webster's distinctive characteristic being his sense of national solidarity. This found its most perfect expression in his celebrated Reply to Hayne. The story of that debate is a matter of national history. It had been started by a comparatively harmless resolution regarding merely the question of limiting or extending the survey of the public land. The Slavery agitation had already pressed itself to the fore and sectional hatreds were running high. So the harmless resolution proved to be the sudden spark that fires the mine. The discussion went on with ever increasing acrimony until finally Hayne of South Carolina made an attack upon New England, upon Webster personally, upon the character and patriotism of Massachusetts, and then set forth the South Carolina doctrine of Nullification, which claimed the right of nullifying those laws of the government which in her opinion were unconstitutional, without waiting for the decision of the Supreme Court.

He who wishes to familiarize himself with Webster's kind of oratory and with the quintessential of his doctrines on the Constitution and on statecraft, can do no better than to study this famous historical document and oratorical masterpiece. He himself never went beyond it, and no speech in the history of our country can be compared to it for the extent of its influence.

On the evening previous to its delivery Judge Story called on Webster and offered to assist him in looking up material to be used in his reply. Webster thanked him and said: "Give yourself no uneasiness Judge Story, I will grind him as fine as a pinch of snuff." On the following day the process of grinding began -- Webster said in part:

"Mr. President, I shall enter on no encomium on Massachusetts -- she needs none. There she is -- behold her, and judge for yourselves. There is Boston, and Concord, and Lexington, and Bunker Hill; and there they will remain forever!

"The bones of her sons fallen in the great struggle for independence, now lie mingled with the soil of every state, from New England to Georgia; and there they will lie -- forever!

"If discord and disunion shall wound Massachusetts -- if party strife and blind ambition shall hawk at it; -- if folly and madness shall succeed to separate it from the Union by which alone its existence is made sure, it will fall in the end, if fall it must, amidst the proudest monuments of its own glory and on the very spot of its origin."

For six hours he spoke on these subjects! For six hours he held his select audience spellbound; and when he closed it was felt by all the New England people that Webster had not only defended their cause, but also impressed upon the minds of all lovers of the Union that the Constitution had at last found a defender who could not be overcome!

Echoing from the place where the great orator had stood there went out over the whole land his grand closing words:

"While the nation lasts, we have a great prospect of prosperity, but when this union breaks up, there is nothing in prospect for us to look at but what I regard with horror and despair.

"God forbid; yes, God forbid, that I should live to see this cord broken; to behold the state of things which carries us back to disunion, calamity, and civil war.

"When my eyes shall be turned for the last time on the meridian sun, I hope I may see him, shining brightly, upon my united, free and happy country.

"I hope I shall not live to see his beams falling upon the dispersed fragments of the structure of this once glorious union. I hope I may not see the flag of my country, with the stars separated or obliterated, torn by commotion, smoking with the blood of civil war.

"I hope I may not see the standard raised of separate state rights, star against star, and stripe against stripe; but that the flag of the union may keep its stars and stripes corded and bound together in indissoluble ties.

"I hope I shall not see written, as its motto, first liberty, and then union. I hope I shall see no such delusion and deluded motto on the flag of that country. I hope to see spread all over it, blazoned in letters of light, and proudly flying over land and sea, that other sentiment, dear to every true American's heart -- UNION AND LIBERTY, NOW AND FOREVER, ONE AND INSEPARABLE!"

The three paths of Law, Oratory, and Statesmanship were never widely divergent as Webster trod them. In fact, we shall find that from this time forth, he used his great knowledge of the law, and his unsurpassed oratorical powers, as a statesman, in the interests of his country. He did not cease to try cases; he still occasionally delivered addresses; yet the three roles are now no longer distinct and it is impossible to consider them separately. This does not mean that the last twenty-two years

of his life are devoid of great and brilliant speeches. We have but to cite those against Jackson, in the interests of a sound bank in which he showed a knowledge of governmental finance that can be compared only to Hamilton's. Yet we must consider him now no longer as a private, but as a public character, as the great protagonist in the political battle against secession.

In 1827 Webster had been elected to the Senate from Massachusetts for the full term of six years. The Reply to Hayne had made him the acknowledged spokesman of the party of the Union and the Constitution. It is in this character that he comes before us in one of the speeches against Jackson, called the Presidential Protest. Jackson had assumed the power of deciding upon the constitutionality of a law, thus infringing upon the rights of the judiciary. Webster declared that the encroachment of the Executive on the other branches of the government was to be regarded as a threat against the Constitution, and treated as our fathers treated an act of Parliament which had brought as yet no suffering.

"They went to war against a preamble, they fought seven years against a declaration .....On this question of principle, while actual suffering was yet afar off, they raised their flag against a power to which, for purposes of foreign conquest and subjugation, Rome, in the height of her glory, is not to be compared, --a power which has dotted over the surface of the whole globe with her possessions and military posts, whose morning drum-beat, following the sun, and keeping company with the hours,

circles the earth with one continuous strain of the martial airs of England."

We might cite any number of speeches which showed his pre-occupation with the maintenance of the Constitution. It was from this point of vantage that he fought the battle of nationalism against the South in the Senate, making a series of arguments which, although overshadowed by his "Reply to Hayne", were of constant value in giving confidence to the North. The best known of them is the long speech of 1833, in which he maintained, against Calhoun, that the Union was not a federation of States.

In 1832, South Carolina passed her celebrated nullification ordinance, and it was followed by exciting times in the Senate. In this time of need, Webster spoke in behalf of the administration, and its right to collect revenues from the rebellious State, and in one of his inspiring moments, advised her to go on and take the contemplated step. He told her with a withering smile, to take from our flag her one star and her one stripe, and set up a Republic and be a country of herself! The step was never taken; for every one saw, from that moment, even South Carolina herself, how ridiculously the one star and one stripe would look!

In one of these speeches he said: "The Constitution of the United States was received as a whole, and for the whole country. If it cannot stand together, it cannot stand in parts; and if the laws cannot be executed everywhere, they cannot be executed anywhere. I shall exert every faculty I possess in aiding to prevent the Constitution from being nullified, destroyed, or im-

paired; and even should I see it fall, I will still, with a voice feeble, perhaps, but earnest as ever issued from human lips, and with a fidelity and zeal which nothing shall extinguish, call on the people to come to the rescue!"

From this time forth, with but brief intervals he served in official capacities, and stood forth as the intellectual leader of the Whig party. In 1841 he entered the Cabinet as Secretary of State under Harrison, and was one of the few Whigs who remained at their posts under Tyler when the latter succeeded to the presidency on the death of Harrison. This he did out of no great personal feeling for Tyler or love of position. He remained because he believed there was an important work to be done. As Lincoln said in a parallel case, it is no time to swap horses when you are crossing a stream. The question at issue was the famous Northwestern boundary dispute, which had brought us to the verge of a war with England. With great tact and diplomatic skill Webster settled the many vexatious points involved, and after having concluded the Ashburton Treaty, which fixed the boundary of Maine and re-established harmony, he too withdrew from the Cabinet, the President and the country had crossed the stream and he could swap horses safely.

In the winter of 1844-45 he entered the Senate for his last term. It was the term which culminated in the famous Seventh of March Speech.

That speech has usually been harshly judged by posterity. It would be unfair not to consider the circumstances under which

it was delivered. The Nation was passing through a great crisis, old parties were breaking up, and North and South were beginning to consider themselves as parties whose interests were irreconcilably hostile. Texas and California were clamoring for admission and setting up governments of their own. There was the question of the new territory ceded by Mexico, and whether it was to make free or slave states. Many serious men believed that our national existence was threatened. It was natural that they should turn to Webster in such a crisis, and from all sides came requests and petitions imploring him to speak in the interest of the Union. Free-soilers and Abolitionists Webster considered now as representatives of sectional feeling and of faction. He spoke in the interests of compromise, and therefore in a certain sense, of slavery. In this he was inconsistent with his past. We must believe, however, that he did it not because he loved freedom less, but because, now that it was in peril, he loved the Union more.

In 1852, when General Scott was nominated for the presidency, Webster realized that the ambition he had cherished for twenty years could never be fulfilled. It was a bitter disappointment, and by many it is believed to have hastened his end. The office could have added but little to his fame. Webster himself was too significant in our history, meant too much to us as a personality, ever to become identified with any position or function, and when he died in 1852, though he had never been President, and though his party, the Whig, was declining to its end, men felt as if one of the pillars of the State had fallen! The reason is plain.

For thirty years, Lodge says, he stood at the head of the Bar and of the Senate, the first lawyer and the first Statesman of the United States. This is a long tenure of power for one man in two distinct departments. It would be remarkable anywhere. It is especially so in a democracy. From the Reply to Hayne, to his death, he was among the first, in our councils.

The meaning of his Reply to Hayne in our history and its significance to us are, that it set forth, with every attribute of eloquence the nature of the Union as it had developed under the Constitution. He said, the people of the United States are a nation, they are the masters of an empire, their union is indivisible, and the words which then rang out of the Senate Chamber came down through long years of political conflict. They became wisdom to Lincoln and valor to Grant. It was the Reply to Hayne more than any other single event from the adoption of the Constitution to the Civil War which compacted the States into a nation, and perhaps more than any other event except the victories of the war itself, is responsible for the status of our government to-day.

But when all is said, the question of most interest is what Webster represented, what he accomplished, and what he means in our history. The answer is simple. He stands to-day as the preeminent champion of nationality. By his overpowering argument, matchless eloquence, and skilful diplomacy, he vindicated his country's rights, preserved its peace with foreign powers, repelled the assaults of nullification and disunion, and these

gave him the place he must always hold in our history, as one who for intellectual power must stand unequalled.

Here lies the debt which the American people owe to Daniel Webster, and here is his meaning and importance in his own time and to us of to-day.

His career, his intellect, and his achievements are inseparably linked with the maintenance of a great Republic and the fortunes of a great people. So long as the English language is read or studied, so long will his speeches stand high in literature. So long as the union of these States endures, or holds a place in history, so long will the name of Daniel Webster, the "Expounder of the Constitution" and the "Founder of American Nationality" be honored and remembered.