

her, exactly as I had seen her work over many another sufferer; but when they told us that the wound was necessarily fatal, that he might live till noon the next day, certainly not longer, she asked that I would stay with her during the night.

And so it came about that, when everything had been done that her hands could do for him, I was to see with astonishment how deep, how poignant, and how utter her grief was. I say, with astonishment; yet who was I to hold that the major should not have his one faithful mourner? My own heart was torn with that remnant of Puritanic judgment which would not sanction the grief that rushed in upon me, and was pulled this way and that by choking emotions, and questionings that shall have no answer this side heaven; but to her who sat across from me the great groaning bulk between us represented all that life once meant: times and scenes and joys long gone; the pretty boy, the playmate of her youth, the young soldier who was the father of the little children she had buried under the Virginia sod; the last pitiful tie to what had been.

In the early part of the night he talked incessantly: sometimes, with the light of reason in his eyes, to us; more often, with that light quenched, to those we could not see. Like his prototype,

“a’ babbled o’ green fields.” He was in the Virginia meadows, with his dogs and gun. He called to servitors, long dead or dispersed, to bring his horse; he smiled at his wife’s bent head, and patted it, calling her first one name and then another.

Then the words were fewer, and the groans were so frequent as to be almost continuous. His wife slipped to the floor, and knelt, holding his hand, her face hidden on his pillow.

I watched the gross, blotched features fine and sharpen under the chisel of pain and the chill of death, till the face of the gay and gallant young Virginian of thirty years before showed faintly through their clumsy mask, like a fleeting image in troubled water.

His voice lapsed into silence, broken now and then by a word, a groan, or a long, sobbing breath. The window began to shine pallidly with the light of dawn, and the dawn’s chill breath swept into the room. I got up to put out the lamp that its movement set wavering and flickering. The voice of the dying man rose as I did so.

“Cold — cold — cold!” he cried.

His wife put down the hand she was holding, caught the other, laid her palm against his cheek, and broke into sobs.

And Falstaff had gone back to Shadowland.

*Grace McGowan Cooke.*

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#### HAMILTON FISH.

THE recent death of Hamilton Fish, of New York, who was a member of the House of Representatives in 1843 and 1844, and who sat in the Senate as Senator from New York from March, 1851, to March, 1857, calls attention to the fact that the statesmen who, prior to the rebellion, took part in framing our laws are rapidly passing away. Only six mem-

bers of the present Senate sat in Congress before the war began. Of these, not one was a Senator, and only one (Mr. Sherman, of Ohio) was elected to the Senate before that time.

On his father’s side, Mr. Fish was of English descent. The first of the name in this country came to Massachusetts from England. After residing first at



Lynn, and then at Sandwich, he removed to Newtown, Long Island, about the middle of the seventeenth century. A century later, his great-great-grandson, Jonathan Fish, established himself in business in the city of New York, where he died in 1779. His son Nicholas, the father of Hamilton Fish, was a man of strong character and of much influence. He was a soldier in the army from the beginning to the close of the war of the Revolution. He was in the battles of Long Island and Saratoga, and witnessed the surrenders of Burgoyne and Cornwallis. He was the devoted friend of Alexander Hamilton, was one of the executors of his will, and named for him the first son born after Hamilton fell at Weehawken.

The mother of Mr. Fish was the daughter of Peter Stuyvesant, of New York, who was the great-grandson of Petrus Stuyvesant, the last governor of the Dutch colony of New Netherlands. That part of the Stuyvesant estate which came to Mr. Fish made him pecuniarily independent, and enabled him to devote himself to the service of his country.

When a young man attains his majority with expectations of pecuniary ease in the near future, it is too often the case that he is not disposed to work. Such was not the nature of Mr. Fish. He made the most of every advantage that fortune had thrown in his path. His hand was soon felt in the governing board of Columbia College (from which he had graduated with the highest honors); in the organizations connected with the Protestant Episcopal Church in his native city; in the public libraries of that city (especially the Astor Library); in other public institutions and charities of New York; and in the banks, insurance companies, railroads, and other business corporations which centred there. He also took an active interest in political matters, both state and national. Trained in the ways and traditions of Federalism, he became a Whig in the

natural course of events, and was recognized as a wise adviser and safe leader of that great party. He was not ambitious, in the ordinary sense of that term. During his long life he never sought office nor strove to bring himself to the front. He came there through the public sense of his fitness to lead those who agreed with him politically. As he was not an orator, he had to depend upon his sterling character, his great good sense, and his well-balanced faculties to take the place of that power of speech which so often leads to political fortune.

In 1842, when he was thirty-four years of age, he was elected as a Whig to represent the sixth district of New York, in which he resided, in the twenty-ninth Congress. It was a Democratic district, and was recovered by the Democrats at the next election.

In 1846 he was the Whig candidate for the office of lieutenant-governor, and was defeated. In 1847 he was again a candidate for that office, and was elected. In 1848, when General Taylor was elected President, Mr. Fish was chosen to be governor of New York. In 1851 he was elected by the legislature of that State to represent it in the Senate during the thirty-second, thirty-third, and thirty-fourth Congresses.

While he was a member of the Senate, the Republican party was formed by consolidating the great bulk of the Whig party with the antislavery Democrats. His colleague, Mr. Seward, had been a Whig. Mr. Fish's successor was therefore taken from the ranks of the Free-Soil Democrats. Soon after that he went to Europe with his family, and remained there between two and three years. Not long after his return the civil war began.

His great power of organization and the influence of his character and intellect then made themselves felt nationally. He was active in supporting Mr. Lincoln for the presidency in 1860. He was pro-



minent in organizing the Union Defence Committee in New York, of which he was made chairman after General Dix resigned to take command in the army. He was one of the two envoys sent to negotiate with the Confederates for an exchange of prisoners, and the successful results of the negotiation were in a large measure due to him. As this paper does not aim to be a biography, it is sufficient to say that, during those trying four years, few men in private life were more active than he in defense of the Union, and none gave to the government a more intelligent or more directing support.

When General Grant became President, it was his purpose to offer the English mission to Mr. Fish. Circumstances induced a change of mind, and he sent his name to the Senate for the office of Secretary of State. This nomination was confirmed, and it is to a large extent as a Cabinet officer, as adviser of the President, and as head of the foreign department of the government that Mr. Fish is to live in history. In all those relations his great strength of character impressed itself upon everybody with whom he came in contact.

The condition of Cuba at that time made our relations with Spain most critical. The Spanish revolution of the previous year had created much excitement in Cuba. Many natives of that island had greeted it with enthusiasm, as evidence "of the dawn of a new era and a radical change of Spanish policy." The slavery question came to the foreground. Public opinion was divided upon it, and all looked anxiously to Madrid to see what the new government was disposed to do. Meanwhile, an armed uprising, hostile to Spain and favoring the emancipation of the slaves, had broken out in the eastern part of the island, and was assuming threatening proportions. The insurgents, many of whom were naturalized citizens of the United States, were endeavoring to excite sympathy for their cause in this country, and to obtain

substantial aid and comfort for it. This was the state of things on the 4th of March, 1869, when General Grant became President.

On the 27th of that month the Captain-General of Cuba issued a proclamation against the insurgents, in which he said that vessels captured in Spanish waters *or on the high seas near to Cuba*, having on board men, arms, and munitions of war, should be treated as pirates, and that all persons found in them would be immediately executed. This was followed, a few days later, by another decree, regulating sales upon the island in such a way as virtually to confiscate properties of naturalized American citizens. Each of these decrees was, as issued, objected to by Mr. Fish on the part of the United States.

On the 2d of June, 1869, a counter-revolution took place in Havana, by which the too liberal Spanish Captain-General Dulce was deposed. General Dulce was for the time being replaced by Colonel Domingo Leon. Political authority was vested in the Cuban volunteers and their officers. This meant an indefinite continuation of the state of things against which the United States was protesting.

It would have been an easy, and from an international standpoint a justifiable settlement to issue a proclamation recognizing a state of belligerency. An internecine struggle to the death had been going on for months in the island, in which the rights, the properties, and the lives of American citizens were involved. The Captain-General, in managing his side of the fight, had set up a claim to exercise the rights of a belligerent upon the neutral high seas. Nothing would have been easier or more just, so far as Spain was concerned, than for the United States to admit this right, and to require from Spain the observance of the duties which flowed from its exercise. There was a brief time when the President contemplated the possibility of such a solu-



tion. It was then that, taking a vacation from Washington, he left behind him such a proclamation, with his signature, but without directions to affix the great seal and the attest of the Secretary of State.

Mr. Fish, while conceding that such a solution might become necessary, was of opinion that it was not so at that time. He regarded it as directly leading up to the acquisition of Cuba, to which he was opposed. Its inhabitants were one half Spaniards, or of Spanish origin, not speaking our language and not familiar with our laws. The other half added to the disqualifications of alienage and ignorance of our laws the fact that they were still in bondage, and would come to us freshly enfranchised, to increase the difficulties which the work of reconstruction was then imposing on the country. He sought other less revolutionary solutions; and, with the consent and approval of the President, found such, and adopted them. The Spanish minister at Washington was authorized to adjust and settle, without referring them to Madrid, all claims and complaints on the part of citizens of the United States as arising. This continued for about a year. The power was then withdrawn, and a claims convention was agreed to, under the operation of which most of the vexatious questions were amicably settled. Later on, in 1873, came the episode of the *Virginus*, which was disposed of in a conference between Mr. Fish and the Spanish minister at Washington, in November of that year. And thus we escaped the danger of entering into political partnership with Cuba.

The claims against Great Britain, commonly known as the "Alabama Claims," were brought to the front by the rejection of the Johnson-Clarendon treaty, a month after Mr. Fish became Secretary of State. In reopening negotiations at London, he departed from the well-known views of Mr. Seward, Mr. Adams, and Mr. Sumner respecting the

effect of the recognition of the belligerency of the insurgents as a basis for a claim for damages; and he instructed Mr. Motley to say that the President recognized the right of every power to determine for itself the character and nature of a civil conflict in another state, and to define its own relations to the parties to the conflict. It is needless to say that this differed radically from the views of his predecessor.

Throughout the long discussion which followed, and all the bitterness which accompanied it, he adhered to this position. He had ever one object in view, which he pursued steadily until it was accomplished: to restore cordial relations with Great Britain, by securing the payment of our just claims and a proper settlement of our other differences, and to disembarass us in the future from the damaging effect of national claims, founded upon a doctrine respecting the improper recognition of belligerency which he regarded as erroneous. The judgment of the Geneva Tribunal was brought about, in no small measure, by his persistency in adhering to what he thought to be right. To him more than to any other man, not only the United States, but all civilized powers which acknowledge the obligation to observe the requirements of international law, owe this expression of the measure of national duty and national obligations from a source which cannot fail to command respect and obedience in the future.

Few Secretaries of State have had to deal with and dispose of two questions so fundamental and so important. Mr. Fish's immediate predecessor, overwhelmed by the deluge of civil war, was forced by uncontrollable circumstances to turn his energies in the direction of postponement and delay rather than of settlement. Mr. Marcy established relations with Canada which, had they been left undisturbed, would have brought the question of annexation much



nearer than it is likely soon to be. Mr. Webster settled the pending questions with England in his day by the Ashburton Treaty. Mr. Clay tried in vain to find a satisfactory solution of Spanish-American questions. Mr. Adams and Mr. Monroe, with the help of Mr. Canning, launched the Monroe Doctrine. Mr. Madison and Mr. Monroe struggled for ten years with the Berlin Decrees and the Orders in Council, and then went to war with England on another question, which war was concluded by a treaty of peace settling nothing. Mr. Madison, while Secretary of State under Jefferson, settled the pending differences with France by the acquisition of Louisiana, contrary to Mr. Jefferson's constitutional convictions. Mr. Jefferson, as Secretary of State under Washington, had to deal with questions of the deepest significance. Those who are familiar with his work under other circumstances cannot but recognize the influence of Washington himself in the disposition of such questions by his Secretary of State.

There were other novel and important questions with which Mr. Fish had to deal, but which were not finally settled when he left office. Foremost among these was the effect of a treaty of extradition.

The treaty of 1842 with England, known as the Ashburton Treaty, provided, in its tenth article, for the surrender and extradition of criminals, without any provision forbidding their trial in the country demanding them for offenses other than the one for which they were extradited.

One Lawrence had been extradited from England on a demand alleging the commission of one offense. He was said to have been tried and convicted in the United States under an indictment alleging an offense technically different from that for which he was surrendered; but knowledge of that fact had not been officially brought to the notice of the

Secretary of State. Not long after, in February, 1876, demand was made in the usual form upon Great Britain for the surrender of one Winslow, "charged with the commission of the crime of forgery in the State of Massachusetts." To this demand Lord Derby replied: "Her Majesty's government do not feel themselves justified in authorizing the surrendering of Winslow until they shall have received the assurance of your government that this person shall not, until he has been restored or had an opportunity of returning to her Majesty's dominions, be detained or tried in the United States for any offense committed prior to his surrender other than the extradition crimes, proved by the facts on which the surrender would be grounded."

A long discussion followed, during which execution of the treaty was suspended on both sides; but it was soon found inexpedient to continue this course, and Sir Edward Thornton informed Mr. Fish, on the 27th of October, 1876, that the British government had concluded to continue to surrender, as it had done before the breach, "without asking for any engagement as to such persons not being tried in the United States for other than the offenses for which extradition had been demanded."

This terminated the correspondence on the particular case then in question. A general discussion ensued with a view to the conclusion of a new treaty, which was continued into the next administration. The Rauscher case (119 U. S. 407) was decided by the Supreme Court in 1886 adversely to the views for which Mr. Fish had contended. The two governments, accepting this decision, concluded a new extradition treaty in 1889, in which it was agreed that no person surrendered should be tried for an offense other than that for which he had been extradited. Four years later, the Supreme Court, in *Lascelles v. Georgia* (148 U. S. 537), held that the principle settled by the Rauscher case was not ap-



plicable to extraditions made from one State to another, under the Constitution and laws of the United States.

A word should be said with regard to Mr. Fish's views on the subject of expatriation, before taking leave of his work as foreign secretary. Without going at length into it, it is sufficient to say that he gave a new direction to political thought and to executive instructions on this subject, from which they have not since diverged. He maintained that citizenship of the United States, as it confers privileges, also requires the performance of duties. He held that while the powers of the government ought to be exerted in defense of the right of a naturalized citizen as fully and as potently as they should be in defense of a native citizen, yet that naturalization imposes duties to the adopted country; and then when it is sought only for the purpose of residing in the land of nativity discharged of the obligations of citizenship there, and without the performance of such duties here, the naturalized citizen, if he fails to do his duty after due notice to him, is not worthy of protection. The Franco-German war gave ample scope for the application of such a canon of international law. Holding these views, he always refused his consent to the appointment of a naturalized alien as consul at a place within the land of his nativity.

Mr. Fish had no superior as an executive officer. His great ability made itself felt in every room and at every desk. He knew every clerk personally, and seemed to find out instinctively their habits and ways of life, — whether they were prompt or dilatory, attentive to work or disposed to shirk it. While firm in his requirements, he was just to all under him, and patient in listening to their grievances. He was rewarded by their confidence and respect, — perhaps it is not too much to say, by their affection.

When he could induce Congress to

make the necessary appropriations, he reorganized the Department of State, bringing men to the fore whose minds and hearts were in their work. Over seven hundred volumes, made up from loose and unindexed miscellaneous correspondence, were then brought together, indexed, and bound. Simultaneously with this he introduced in the department, for the first time, a system of general indexing, which, as improved by experience, now enables the clerks to find papers without unreasonable delay.

In his administration of the Department of State, Mr. Fish anticipated the reform of the civil service. He instituted a rule requiring an official examination of all candidates for consulates. Under its operation, a person named for a consulate was sometimes found not fitted for the place he sought. In no instance was the member of Congress who favored him able, conscientiously, to object to the result, when the written answers of the applicant were shown to him.

Mr. Fish had a large acquaintance among members of Congress. His house was the scene of a generous and gentlemanly hospitality, never lavish or ostentatious, which brought men of all parties and of all tones of thought into touch with him. His influence upon them cannot be exaggerated. His genial ways, his polished manners, his strong character, his wide range of reading, especially in American political history, his remarkable memory, and his unusual power of conversation fitted him to make the best use of such opportunities.

The same causes operated in the same way in his intercourse with his colleagues and with the President. On all subjects which affected the general policy of the administration or the general welfare of the country he had decided opinions, which he expressed with freedom, and upon which he was always ready to act.

Fortunately for the country, Mr. Fish



enjoyed the entire confidence of President Grant, who felt that in his Secretary of State he had a man of honor, conscientiousness, and truth, unselfish, and with no purposes of his own to advance; who had no whims or changing fancies; who was devoted to the best interests of his country, and understood those interests well; who had a clear and well-educated intellect, peculiarly adapted by its knowledge and training to serve the state, and fully equipped for the performance of every duty of his office, social, intellectual, or political; whose large faculties were always at ready command; who had unusual habits and power of work; and who was, withal, a man of the world, yielding in unessentials, but firm as a rock when duty and his sense of right dictated. This man — his personal selection for the office, and entering unwillingly on its duties to please him — Grant from the outset trusted and leaned upon. In all his troubles — and they were not few — he never withdrew that confidence. In a letter from him written to me in October, 1877, after he ceased to be President, he said, "Give my love to Mr. Fish." The affection implied by such a message was fully reciprocated by the person to whom the message was sent.

A notice of Mr. Fish would be incomplete which failed to speak of his devotion to the Protestant Episcopal Church. Baptized into that Church in infancy, and trained in its ways and faith in childhood, in manhood he accepted it from choice, and gave up the best portion of his nature to it and its service.

Throughout his long career he was one of its most trusted servants. A lay delegate, both in the conventions in his own diocese and in General Conventions, no layman had greater influence in its councils than he. Among its bishops and clergy he found his dearest friends at all times of his life.

The general appreciation of such a character — a character unfortunately too rare in public life — is shown by the many positions of trust and honor to which he was called. In addition to the political offices already referred to as held by him, he was president of the General Society of the Cincinnati for nearly forty years; a trustee of Columbia College for fifty-three years; chairman of its board of trustees for thirty-four years; a trustee of the Astor Library; one of the presidents of the New York Historical Society; and a member of the Committee of the Protestant Episcopal Church on the Revision of the Prayer Book. Columbia conferred upon him the honorary degree of Doctor of Laws in 1850, Union in 1869, and Harvard in 1871.

The home of Mr. Fish was a centre of family affection and love. Without venturing to intrude upon its sanctity, it may be said that it was the abode of education, culture, and refinement, in the best sense of those words, allied to the directness and simplicity of character which come from training a gentle and loving nature in the way of uprightness and truth. The influence which such a home exercised in Washington has become historic.

*J. C. Bancroft Davis.*