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OPEN LETTERS

Sarah Austin—A Modern Theodora.

WHEN John Austin died in 1860 even his friends admitted that no life of such talent and promise had ever before seemed more entirely wasted and resultless. Ambitious to be a great lawyer, he had failed completely as a writer, teacher, practitioner, and maker of law. There had been long years of study, but no fruits, so that nothing seemed more certain at his death than that he would remain forever unknown. And yet, before half a score of years had passed, behold, John Austin's name led all the rest! He had suddenly become the greatest figure and the greatest power in the whole history of English jurisprudence. *Dux femina facti*. It was Sarah Austin, his wife, who wrought this change; and it was her industry, intellect, and devotion that made the name of Austin famous throughout the world, and did for English law its greatest service.

Owing to her modest disclaimer of having done anything more than edit her husband's writings, Mrs. Austin has not received the credit or admiration which is rightfully hers. Students of jurisprudence have not suspected it possible that a woman could have done what she did; and it is only since the publication of her letters and of the various memoirs of her contemporaries that her remarkable intellect and the more remarkable use to which she put it have come to be recognized. Gibbon says that many of the laws of Justinian must be attributed to the sage counsels of Theodora, «his most reverent wife, whom he had received as a gift of the Deity.» John Austin was no less blessed, for whatever of note there is in his career is due entirely to the guidance and inspiration of his wife. Immediately upon his death she resolved to devote her remaining years to an attempt to place before the public the scope and result of his juridical studies.

No woman ever essayed a more trying task. Her labors were more than editorial: they were apostolic. All that Austin had left, besides a few old lectures, was a book out of print and out of demand, and a wilderness of marginal annotations in books he had read, together with a multitude of scrawled scraps without order or sequence and for the most part illegible. It was this Serbonian bog that she made blossom as the rose; and what John Austin in the prime of his manhood spent all his strength on in vain, came to pass, as it were, at a touch from the hand of a woman who worked for his sake, not for her own. She knew her husband's views and the value of his notes and memoranda by having discussed them with him, and it was her ambition to put all these together and formulate some rational system of jurisprudence.

That Mrs. Austin, under the circumstances, should have been able to produce the series of volumes known as «Austin's Jurisprudence» proves her possessed of one of the most remarkable intellects known to womankind. The determination of the nature of rights and of positive law and its administration; the analysis of sovereignty, law, sanction, politics; the systematization of English law out of the meaningless elaboration and mass of feudal anomalies and accidents which encumbered it—these were among the problems Austin had set for himself, and the solution of which he left for his wife to complete.

Brougham says that John Austin had the finest legal intellect of his time. But he lacked the qualities that win success; he was gloomy and melancholic in temperament, and in his work was over-refined and wanting in a sense of proportion and completeness. After his failure as a lawyer he prepared a series of lectures on jurisprudence, which had to be given up for want of an audience—a fate that befell a similar series a few years later. Nevertheless, under the influence of his wife, he prosecuted his legal studies for a number of years, although after his earliest lectures she could never prevail upon him to prepare anything for publication. Sickness, poverty, and repeated disappointment had so preyed upon his over-sensitive nature that during the later years of his life he dropped the study of law entirely.

His life failure, however, never discouraged his wife; and perhaps Sarah Austin's strongest claim to distinction lies in her beautiful realization of perfect wifehood. Her career certainly ought to be a living rebuke to those of her latter-day sisters who regard matrimony and motherhood as a bondage for the intellectual, and an obstacle to, the fuller life. For nearly fifty years, in the midst of all manner of adversity and disappointment, she was John Austin's constant inspiration. She cheered him and encouraged him. She did not make Mrs. Carlyle's fatal mistake of refusing to be interested in her husband's studies; on the contrary, she tried to keep him at them, and watched over him with a solicitude that was almost maternal. A few years before her husband's death she complained in a letter to Guizot, the great French statesman, that Austin would not take up those juridical studies on which he had spent the early years of his life. «My husband,» she said, «is to me sometimes as a god, sometimes as a sick and wayward child—an immense, powerful, beautiful machine without the balance-wheel which should keep it going constantly, evenly, and justly»; and she expressed her bitter disappointment that he should not have done what he might have done «for the great cause of law and order, of reason and justice.»

Perhaps she felt even then that she was being prepared to do this work herself, for although her own literary and social labors took up much of her time, her one ambition was to be John Austin's helpmate; and it seems that during all of his later life they lived entirely for each other, spending their days, as she says, in an almost unbroken tête-à-tête. In the preface which she wrote upon the completion of her task she tells her modest story in these words: «I have gathered some courage for this work from the thought that forty years of the most intimate communion could not have left me entirely without the means of following trains of thought which constantly occupied the mind whence my own drew

light and truth as from a living fountain. . . . During all those years he had condescended to accept such small assistance as I could render, and even to read and talk to me on the subjects which engrossed his mind, and which were, for that reason, profoundly interesting to me.» The whole of this preface is a charming revelation of wifely confidence and self-forgetting love. When she wrote it she hardly knew how well her work had been done, for the three volumes which she published attained an immediate and brilliant success. They practically worked a revolution in the study of English law, and although somewhat overshadowed of late by the so-called historical school, their influence on contemporary legal history is still very marked. They have introduced the spirit of precision, exactness, and careful analysis into legal studies, and have swept away nearly all that foolish twaddle of the lawyers which reminded a keen critic of English law of the «gabble of Bushmen in a kraal.»

Sarah Austin was born in 1793, and was the youngest child of John Taylor, a yarn-maker of Norwich, and a grandson of the famous dissenter of the same name. Her parents were eminently superior people, whose home was frequented by the leading men of the day, who loved and admired the «Madame Roland of Norwich,» as Mrs. Taylor was called. Sarah was given a thorough education, but showed no early disposition for intellectual work; and at eighteen she had flirted and danced herself into the exalted position of reigning belle of «England's provincial Athens,» as Norwich proudly called itself. Beautiful, dazzling, imposing, fond of display and flirtation, and devoted to pleasure and society, she was the cynosure of all the beaux of those parts.

Suddenly John Austin crossed her path, and a change came over the handsome, high-spirited girl. «I have just seen Sally Taylor,» says the learned Dr. Fox in a contemporary letter; «and from the extreme of giddiness and display she has become the most demure, reserved, and decorous creature. Mr. Austin has wrought miracles, for which he is blessed by the ladies, cursed by the gentlemen, and wondered at by all. Some abuse the weakness which makes her, they say, the complete slave of her lover; others praise the strength by which he has so totally transformed her manners and habits.» Austin was then a melancholy young law student, habitually grave and despondent, who abjured society and was given only to serious converse. With him she fell violently in love. His intense intellectual yearning at once became hers, and in a faded note-book she has left a summary of her reading during their seven-year courtship. Malthus, Adam Smith, Stewart, Condorcet, Bentham, Bacon, Machiavelli, Hume, and the classic legal authors were studied with great thoroughness. After the manner of Pliny's Calpurnia, she says she tried to keep up with all the studies of her lover; and through all of their long courtship the proud girl's one ambition seems, like *Portia's*, to have been to commit her gentle spirit to her *Bassanio* for guidance.

In 1819 she was married to Austin, and they took a small house next door to James Mill and near Jeremy Bentham. Here Mrs. Austin's special genius at once manifested itself, and her little parlor soon became one of the most famous salons in London. Then and in after years her fireside was frequented by the best men of the time. Bentham, Carlyle, Sydney Smith, Jeffrey, Lewis, Lord Lansdowne, Molesworth, Sir James Stephen, the Mills, Sterlings, Butlers, Romillys, and others,—a mighty host,—were constant visitors, and every one of them has left evidence of his appreciation of her. To Jeffrey she was «my best and brightest»; to Sydney Smith, «the fairest and wisest»; to Sir James Stephen, «my great ally»; to Charles Butler, a «Gross-Mütterchen»; to Heinrich Heine, «Ein liebes Engelkind»; to Carlyle, «Sunlight through waste weltering chaos»; to John Stuart Mill, «Liebes Mütterlein.»

From the very first years of her marriage until her death, nearly fifty years later, Mrs. Austin was one of the best-known women of her day, not only in England, but on the Continent as well. While Austin was pursuing his studies at Bonn and Paris her gatherings there became almost as famous as those of her friend Mme. Récamier; and although she could offer her guests but the barest comforts, she attracted to her home the leading intellects of France and Germany. Niebuhr, Schlegel, Arndt, Heffter, Mackeldey, Comte, Say, Guizot, all paid constant court to «la petite mère du genre humain,» as Chevalier calls her. To have had the intimate confidence of such an array of genius is of itself a sufficient indication of her exceptional character; but Mrs. Austin was not a lion-hunter, Harriet Martineau, who hated her bitterly, to the contrary notwithstanding. These friendships grew out of mutual helpfulness, as the extensive correspondence she kept up with nearly all of these men shows. To Guizot she wrote almost as a mother to her son. He discussed his statecraft freely with her, and appears to have highly valued her shrewd criticisms and suggestions. There are endless letters to and from Bentham, Macaulay, Mill, Southey, Jeffrey, Senior, the Duchesse d'Orléans and the Comte de Paris, Gladstone, and others. All of these admired «den gesunden Menschenverstand» which Humboldt said underlay all her conversation and writings. She kept in intimate touch and sympathy with the life and work of each one of them.

Although Sarah Austin had nothing of the masculine about her, and was, if anything, über-weiblich, nevertheless she did an appalling amount of work. Besides the constant care and companionship she gave her husband and her one child (who afterward became well known as Lady Duff Gordon), Mrs. Austin was always busy at literary work; indeed, until 1849, when the Queen granted her a complimentary pension, she was compelled thus to earn most of the Austin daily bread.

As an author Mrs. Austin does not rank very high; for although she was a genuine literary artist she was by no means a literary genius. Many of her works, like her «Germany from 1760 to 1814,» her «Essays on Education,» and some of her letters to the «Athenæum,» still repay reading; but aside from her matchless work on jurisprudence, most of her energy was spent in translations. There was probably no one in England more familiar with the best literature of the Continent; and next to Carlyle she did more than any one else to introduce German literature into England. An Edinburgh reviewer, with old-fashioned grandiloquence, insisted that he could not properly express his admiration of her German translations «except in language which might be misinterpreted as the diction of indiscreet flattery.» Her translations, he claimed, are reproductions; and with Carlyle's «Wilhelm Meister» and George Eliot's «Jesu»

before him he declared that there was no other translator in England of one tenth her ability.

Her best life was so ungrudgingly given to others, and her modesty was so refreshingly feminine, that Mrs. Austin, either as authoress or as woman, is almost unknown to the new generations. And yet, aside from her peerless juridical labors, she deserves to be well known by her latter-day sisters, if for no other reason than as a possible ideal for the newer womanhood.

Sylvia R. Hershey.

At the Death-bed of Lincoln.

IN THE CENTURY for June, 1890, and February, 1893, were published letters bearing upon the question of who were present at the bedside of President Lincoln when Surgeon-General Barnes, who held the pulse of the dying chief, announced his death at 7:22 A.M. Partly in the interest of the truth and partly as a matter of family pride, I wish to add two names hitherto omitted by THE CENTURY. The names are Richard J. Oglesby, then governor of Illinois, and General Isham N. Haynie, both of Springfield, Illinois, and both warm personal friends of Mr. Lincoln. In a letter written to me by Governor Oglesby he describes the events of that terrible night, and the scene at the bedside as Secretary Stanton broke the silence by saying, «Now he belongs to the ages.»

General Haynie's diary also lies before me, and perhaps I may be justified in quoting a passage which pictures Mr. Lincoln only four hours before his assassination. Under April 14, 1865, General Haynie wrote:

> At five o'clock this afternoon Governor Oglesby and I called at the White House. Mr. Lincoln was not in, but just as we were going away his carriage, with himself, wife, and Tad, drove up. The President called us back. We went up into his reception-room and had a pleasant, humorous hour with him. He read four chapters of Petroleum V. Nasby's book (recently published) to us, and continued reading until he was called to dinner at about six o'clock, when we left him.

The above was written sometime between six and ten o'clock, before General Haynie had heard of the fatal shooting. During that little call Mr. Lincoln was in a specially merry mood. He laughed heartily over Nasby's book, and told his friends of his intention of going to see Laura Keene at the theater that evening. He, in fact, urged Governor Oglesby and General Haynie to accompany him, but a business engagement prevented.

The diary continues:

> At 11 P.M. Governor Oglesby and myself were admitted to the room where the President lay dying. Remained until after the President had passed away. He died at 7.22 A.M. to-day. The excitement baffles description. The horrors of last night have no parallel in memory or history. The cabinet all surrounded the dying chief; General Meigs, General Halleck, General Hardie, Colonel Vincent, Rev. Dr. Gurley—all present. The Secretary of War was busy all night preparing and sending despatches; Surgeon-General Barnes holding the President's arm, feeling his pulse; the cabinet seated around, and some standing; Governor Oglesby at the head of the bed, and myself near the door. The President lay with his feet to the west, his head to the east; insensible; in comatose state; never spoke.

The two friends accompanied the body of the beloved President on its last journey to Illinois. They were a part of the delegation appointed by his native State. General Haynie drafted the resolutions of the citizens of Illinois who met at the National Hotel in Washington to take steps relative to the death of Mr. Lincoln. To Governor Oglesby more than to any other one man is due the fact that the martyred Lincoln sleeps to-day on the green slopes of Oak Ridge in the beautiful city he loved so well. The nation and the national capital claimed his remains, but Governor Oglesby insisted that they belonged by right to Illinois.

Edwin C. Haynie.

«The Century's» American Artists Series.

GEORGE DE FOREST BRUSH'S «MOTHER AND CHILD.»

(See frontispiece.)

THE common belief that the aim of portraiture is to present the likeness of an individual is true so far as it goes; but it is only half of the truth. That a portrait should mean to us the likeness of a certain person is a desideratum; otherwise why call it a portrait? That it should look to us something decorative and beautiful is also a necessity; otherwise why call it a picture or a work of art? In all good portraiture the expressive and the decorative are both present, and because they are happily united in Mr. Brush's «Mother and Child» is sufficient reason for declaring it good portraiture.

Evidently the faces in this portrait group absorbed much of Mr. Brush's interest, for the character of each has been well studied and strongly expressed. It is sometimes supposed that «character» in portraiture is a thing imagined or invented by the painter, whereas it is nothing but the perception and expression of subtle truths of physiognomy. The great Italians understood this thoroughly, and it will not escape notice that there is a kinship between the people of Mr. Brush's «Mother and Child» and the people of Italian art. The tenderness of the mother, the infantile shyness of the child, the unconscious interest of the older child at the left, have appeared many times in the Madonna and Child with the infant St. John. The characterization parallels but does not imitate that of the Italians. The picture suggests no Italian school or painter, yet reminds us of the Italian conception. The forms are modern, living people of to-day, while the sympathetic feeling is ancient, common to all lofty art. Local truths of likeness are apparent (the group represents an American family, and the landscape at the side is from Vermont), but above these we feel the universal truths of maternal tenderness and infantile grace. And just there the painter shows his largeness of view. Great art always bases itself upon universal truths.

Decoratively the picture has been very well handled. The composition is exceedingly simple, and the large oval of the group is restfully placed in the square upright of the canvas. The lines of the child's figure, the indicated angles of the knees and the arm, the modeling of the gracefully turned heads, the broad sweep of the flowing robe, the background of bushes with an outlet into distant hills and sky, are all given with truth, force, and charm. Regarded merely for its distribution of light and shade, the picture will be found equally effective. The lower notes of the older child at the left and the sky at the right are quite as necessary to the central high light as the dark thicket is to the dark robe. The color and the handling of the picture are not conspicuous. The painter has not wished to detract from the