

which was like a continual endurance of suffocation, which yet never quite attains the relief of death.

Miss Teller's lawyers labored with skill and vigilance; all that talent—nay, more, genius—could do, they did. Their theory was that the murder was committed by a third person, who entered Mrs. Heathcote's room by the same outside stairway which her husband had used, after his departure; and they defied the prosecution to prove that they were wrong. In answer to this theory the prosecution presented certain facts, namely: that Heathcote was seen entering by the outside stairway, and that no one else was seen; that the impressions found there were those of a left hand, and that Heathcote was at the time left-handed; that a towel, marked with the name of the hotel and stained with blood, was found on the river-bank at the end of a direct trail from the garden, and that the chamber-maid testified that, whereas she had placed four towels in the room a few hours before, there

were in the morning but two remaining, and that no others were missing from the whole number owned by the hotel.

At this stage of the proceedings, Anne, sitting in her own room as usual, now in the evening, with one newspaper in her hand and the others scattered on the floor by her side, heard a knock on the door below, but, in her absorption, paid no attention to it. In a few moments, however, Nora came up to say that Mr. Dexter was in the parlor, and wished to see her.

Here was an unexpected trial. She had sent a short, carefully guarded answer to his long letter, and he had not written again. It had been comparatively easy to guard written words. But could she command those that must be spoken? She bathed her face in cold water, and stood waiting until she felt that she had called up a calmer expression; she charged herself to guard every look, every word, even the tones of her voice. Then she went down.

#### PERSONAL RECOLLECTIONS OF DANIEL WEBSTER.

IN the winter of 1830-1, I met Mr. Webster for the first time. The number of those who knew him personally is rapidly diminishing, but the interest of the public in everything connected with him has not abated since his death. Hence the present attempt to recall what I can of my personal intercourse with one whose name and fame belong to the history of his country.

When the late Chief Justice Taney, then practicing law in Baltimore, entered General Jackson's cabinet, he retired from the case of the Baltimore and Ohio Railroad Company against the Chesapeake and Ohio Canal Company, pending in the Court of Appeals of Maryland. The question in dispute was the right of prior choice of route of the respective works at the Point of Rocks, and at other narrow passes on the left bank of the Potomac River. The decision of the Court of Chancery, where the litigation originated, had been in favor of the railroad company, and the canal company had appealed. In the court below the counsel of the former had been Mr. Taney, Mr. Reverdy Johnson, and myself, and the latter had been represented by Mr. Wirt, Mr. Walter Jones, and General Charles Fen-

ton Mercer. When Mr. Taney retired, his clients determined to employ Mr. Webster to replace him; and as he happened to be in Baltimore on a visit, I was directed to call on him, retain him if possible, and go with him afterward to Annapolis, where the Court of Appeals was sitting, under the impression that my familiarity with the facts might probably be of service in facilitating his preparation for the argument about to take place.

I found Mr. Webster at the house of his connection, Mr. Hugh Birkhead, on his way to Washington. He was in the drawing-room with the ladies of the family when I called, and I passed the evening in his company. It was not the occasion for discussing the merits of a legal controversy. He asked me to sit by him on the sofa, and began our very brief conversation by saying, "Well, my brother Latrobe, and so our good friend Birkhead tells me you come to retain me for the Baltimore and Ohio Railroad Company." Something was then said about the shortness of the time allowed for preparation, but he agreed to go with me to Annapolis as soon as he came back from Washington, where some business that could not be postponed required his presence.

Three things struck me at this interview. The first was the deep sonorous tone of Mr. Webster's voice: it seemed to come *ab imo pectore*, and was unlike any that I had then, or have since, heard. Again, his pronunciation of the word Baltimore, which made the first syllable long and broad. And again, his calling me "my brother Latrobe," not that such form of address was not frequent at the bar, but because of its use by Mr. Webster to such a sprig of the law as I then was.

There were no railroads in those days, and steamboat travel on the Chesapeake being interrupted by ice when Mr. Webster returned from Washington, we left Baltimore in a hack after breakfast, and plodding through "the piney woods" and over the wretched roads of Anne Arundel County, drove into Annapolis after the street lamps were lighted. Mr. William Gwynn, the railroad company's senior counsel, made a third in the carriage. He was an admirable conversationalist without being a talker, a wit without being a satirist, a humorist without being eccentric, with an inexhaustible fund of anecdote and apt quotation, and, in addition to being an able lawyer, was of a genial, loving nature that endeared him to all that knew him. Mr. Webster appreciated him at once, and the two, with common topics of conversation about men and books and things generally, made the journey seem as short as it was enjoyable to their single listener.

The Legislature of Maryland was in session at this time. The hotel was crowded, and at first there was a doubt whether even Mr. Webster could be received. Finally he was given a room which the occupant vacated for the occasion. It was in a building in the rear of the hotel, and contained two beds, one of which Mr. Webster took possession of, and at his instance I appropriated the other.

Our quarters were in what had been a noble mansion in the palmy days of the old city. We were in a large square room with a lofty ceiling, a broad high fire-place, and a tall old-fashioned mantel-piece. A bright wood fire was burning, and although there was no carpet, and but a single candle on a rickety table, the general aspect was most grateful after our dreary ride from Baltimore. Here we remained for several days, and until separate rooms were allotted to us on the second floor of a gal-leried building, called the Colony, close by.

Mr. Webster was at this time in his fiftieth year, in the prime of life, and at the height of his reputation, crowned with the glory of his great speech in reply to Hayne. A tall and rather heavily built man, there was little in his person to distinguish him. It was his head that individualized him. His grand forehead, his dark eyes set deep beneath overshadowing brows, his firm determined mouth, made a *tout ensemble* which once seen was never forgotten. Harding's likeness, in the second volume of Curtis's life, is, in my opinion, the most characteristic of the many I have seen. While it wants, no doubt, the accuracy of Whipple's daguerreotype, in the same volume, I see in it more of the man I knew. The likeness by Healy, in the first volume of the same work, does Mr. Webster great injustice. It belittles him. He was a far nobler-looking person. His bearing was grave and dignified. When he addressed a court it was commanding and impressive; and yet no man's manner could be more playful, no man's tone more cordial and genial, than Mr. Webster's, when he pleased. I made him out, too, to have a keen sense of humor, and to appreciate a good story as well as any one, when he was in the mood. Few persons would call him a handsome man, but none could look at him and not recognize him as a distinguished one.

As already said, I accompanied Mr. Webster to Annapolis to inform him of the facts of the case he was about to argue. But these were by no means the main topics of our conversation. It was not until the day before the hearing that he seemed to address himself seriously to the labor of preparation. He then shut himself up in his room for the entire morning, coming occasionally into mine to ask about some question of fact, bringing half-sheets of common blue letter-paper, on which, he would say, he had been making "scratches." They were distinct propositions, texts rather than arguments, carefully studied, and, as was apparent from erasures and interlining, labored with a view to condensation, or to satisfy a fastidious judgment. Once, when I expressed a doubt whether one of his propositions was in accordance with certain facts, Mr. Webster drew his pen through it, saying, "So, then, *that* cock won't fight." The notes thus prepared were the brief of his argument, and he spoke from them. That the glimpses thus afforded of the workings of a great

intellect were extremely interesting may readily be imagined.\*

But if the case did not engross us at all times, conversation did not flag. Our pleasantest talks were after dinner, when we came back from the bar mess-room. Mr. Webster would then put on his slippers, and tilt back his chair, with his feet against the side of the mantel-piece, on a level with his head, saying, "Shall I not take mine ease in mine inn?" and go off into a stream of anecdotes, quotations, incidents of his early life, and matters and things generally. On these occasions Shakspeare was a favorite topic, and his familiarity with it was testified by the aptness and frequency of his quotations.†

In one of these protracted talks, which always ran late into the night, Mr. Webster detailed the circumstances of his refusal to accept the clerkship of a county court, as they are related in Curtis, when the salary would have been a little fortune, and amused himself with a humorous comparison between his subsequent career and what would then have been his destiny.

On the same occasion he described his early practice in New Hampshire, and told with almost boyish glee of overtaking, one bright moonlight night, a timber sled at the foot of a hill on which the snow lay deep. The driver had gone to a tavern ahead for an extra horse, and Mr. Webster, hitching his own horse as an addition to the team, got the load to the sum-

\* The case referred to in the text had been argued before Chancellor Bland the preceding summer, when I had an opportunity of seeing how Mr. Wirt prepared for the trial. I could see from my window Mr. Wirt in his room across the court, sitting at his desk in his shirt sleeves, hard at work upon his brief. The weather was unusually warm, too warm to sleep almost, and yet there sat Mr. Wirt, after midnight, busy with his pen. The small hours came before his candle was extinguished. The next morning, when I told him I had watched him, he laughed, and showed me two piles of foolscap manuscript. "This," he said, laying his hand on one, "is the draft of my argument, and this," laying his hand on the other, "is my revise of it." "But the labor!" I exclaimed. "Never mind the labor, my young friend," was his reply; "never grudge it when the occasion requires you to do your best." When he spoke, I could see that he adhered closely to his brief, reading parts of it occasionally. Mr. Webster's brief before the Court of Appeals did not cover more than one side of three half-sheets of letter-paper, and he rarely did more than glance at it.

† It was my sympathy with Mr. Webster in this regard, I presume, that led him to send me, on his return to Washington, the edition of 1623 (the Roxburghe fac-simile), then a rare book in this country.

mit, where the teamster presently found it. "I had hidden behind a tree," said the narrator, "where I enjoyed the fun, and only came forth to stay the hand of the owner of the sled, who was 'larruping' his horses, because the 'tarnal critters' had put him to the expense of hiring assistance, when they were able to do the work themselves, and only refused their load to spite him." It was Mr. Webster's way of telling the story, and his imitation of the driver's tone and manner, that enhanced the drollery of the incident.

Upon another occasion he gave an amusing account of his escape through the back window of an old-fashioned stage-coach when the horses were running away with it, and described the amazement of the driver, after they were stopped, when he found a member of Congress standing on the baggage rack, and playing footman to a stage-driver.

The interest of these anecdotes was not so much in their matter as in the evidence they afforded that neither the wear and tear of political and professional life nor distinguished position had impaired the freshness of early youth.

Another of Mr. Webster's anecdotes I have often repeated to students in my law office. It was the inflexible rule of Theophilus Parsons to give no law advice on Sunday—a rule which he persisted in adhering to when a client came to Salem on that day from Boston to obtain an opinion on a matter of first importance in connection with business to be transacted early on Monday. Angry at having had his journey for nothing, the client was on his way to his carriage, when Mr. Parsons followed him, and asked him whether he had made up his mind as to what was right according to the golden rule, and being answered in the affirmative, told him to go back to Boston, do what he believed was "just right," and when Mr. Parsons got to his office later on Monday, he had no doubt he would find law enough to sustain him.

Speaking, on another occasion, about the elements of success in professional life, Mr. Webster said, "Why, there is —, a most learned lawyer, a most laborious man, and in all the relations of life absolutely unexceptionable, and yet, confound the fellow! he never produces results."

The age of some one being mentioned one evening, Mr. Webster said, "The worst standard by which to measure a man's life

is the parish clerk's register. Some men, sir, are born old; others, again, never grow old;" and certainly, when I listened to his flow of animated talk, the gleefulness of many of his remarks about men and things, I fully appreciated his meaning—that it was the temperament of the man, and not the number of his years, that made him old or young.

One evening, while we still occupied the same room, Mr. Webster was unusually silent. He had his moods, and it was easy to see that the mood for conversation was not now the ruling one. And so we sat in silence, looking at the fire in the twilight, until the supper bell rang. Mr. Webster then drew on his boots, and we left our quarters together. We had to pass through a paved yard, made as bright as day by the full moon just rising over Kent Island. I was on Mr. Webster's right, and we had not yet crossed the yard, when he stopped suddenly, raised his head, and laid his hands upon my shoulders. The moonlight fell full upon his face, making his heavy brow cast deep shadows, out of which his eyes gleamed like living coals. "My young friend," he said, "be in no haste to embark in politics. The time will come when all good men and true must rally round the constitution. *That* will be the time; and when we raise its banner, it must glitter like the oriflamme." Then dropping his hands, we resumed our silent walk. After supper the mood had changed, and we sat up until a late hour, Mr. Webster, as usual, having *les frais de la conversation*. I think it was on this evening that Mr. Webster quoted Shakspeare to prove that right and left shoes were worn in the poet's day, reciting Hubert's account, in *King John*, of the popular feeling in regard to the French invasion.\* In the second volume of Curtis's life of Webster are two letters passing between Mr. Webster and myself, in which the above incidents are alluded to.

After the argument before the Court of Appeals, Mr. Webster returned to Washington, and the next time I saw him was in February, 1832. In the course of con-

versation he asked what I was about, and was told that I was busy in preparing the oration that I was to deliver at the public celebration of the centennial anniversary of Washington's birthday. He then said that there had been some talk in Washington of a grand dinner in honor of the occasion, and as it was possible he might be called on for some remarks, he had made a few "scratches" in anticipation. As he spoke, he took from his portfolio a half-sheet of blue letter-paper, on one side of which were six or seven sentences, which he read. The dinner, he continued, had been given up, however, and if I could make any use of his "scratches," I was welcome to them. I told him that my oration was already memorized, but that I would keep his manuscript as an autograph; and I brought it away with me.

There was one of Mr. Webster's sentences that fitted so well into what I had prepared that I adopted and inserted it, and when I spoke, it "brought down the house." It was this: "Washington stood not only at the commencement of a new era, but at the head of a new world."

The next morning a letter from Mr. Webster was delivered to me at the breakfast table. It had been written the night before, and was brought to Baltimore by a *fast* line of coaches that made the journey from Washington in four hours. It was very brief, and ran thus:

"MY DEAR SIR,—The dinner *did* come off. Look out. Very truly,  
D. WEBSTER.  
"February 22, 1832."

As may be supposed, I went at once to the evening paper in which my address was to appear, and cancelled the sentence above referred to.

Singularly, when the Washington papers of the 23d furnished a report of Mr. Webster's speech at the dinner, the sentence I had used was the only one of the "scratchings" that it contained.

When the railroad was opened for travel between Baltimore and Washington, I saw Mr. Webster frequently; but it was not until we were both employed in the important case of *Wilson v. Rousseau*, in the Supreme Court, that I was again brought into professional relations with him. Our client, Mr. James G. Wilson, had no less than seven counsel—Mr. Webster, Mr. William H. Seward, Mr. Reverdy Johnson, Mr. Phelps, of Vermont, Mr. Henderson, of Louisiana, Mr. Hall, of Washing-

\* "I saw a smith stand with his hammer, thus,  
The whilst his iron did on the anvil cool,  
With open mouth swallowing a tailor's news;  
Who, with his shears and measure in his hand,  
Standing on slippers (which his nimble haste  
Had falsely thrust upon contrary feet),  
Told of a many thousand warlike French  
That were embattled and rank'd in Kent."

ton, and myself. The Court had consented to our dividing the points—two speaking to each. But the difficulty was to get us all together for consultation. At last, in despair of succeeding otherwise, Mr. Wilson invited us to a supper at the National Hotel, at nine o'clock, with the understanding that a consultation would take place at eight. It was not until half past eight, however, that Mr. Webster called us to order, stated the object of the meeting, and complimented our host for his excellent judgment as displayed in the means adopted for securing the attendance of his professional advisers. Turning then to Mr. Seward, he said, "And now, Brother Seward, you will begin with reading the record." Records in those days were not printed, as now, but were engrossed on folio cap paper, and in this particular case the record was a heavy pile of manuscript, which Mr. Seward rested on his lap, and which would have taken several hours to read, while there remained not more than twenty minutes before supper would be ready. Mr. Seward, however, began with the formal heading, and was going on when interrupted by a burst of laughter, which was not quieted by the grave judicial manner in which Mr. Wilson called for order, and requested "Brother Seward" to proceed. By this time Mr. Seward, who had as yet preserved his countenance, joined in the mirth; when Mr. Webster, shrugging his shoulders and turning to our client, said, "You see how it is, Mr. Wilson; there seems to be no alternative but to begin with supper. Do you think it is ready? Perhaps we may get on better with the record afterward;" and to supper in an adjoining room Mr. Wilson and his counsel marched, with Mr. Webster at the head of the procession.

There was more than one good talker at the table, and for a while the conversation was general. It was not long, however, before we were all listening to Mr. Webster.

"Conticuere omnes, intenticque ora tenebant."

He was "i' the vein," and the hours flew by unheeded as there streamed from him, in rapid succession, anecdotes, quotations, references to his boyhood, incidents in his early practice, descriptions of the men who then figured upon the scene, graphic accounts of old familiar places. He was sometimes grave, solemn even; sometimes pathetic; sometimes, and by no means un-

frequently, quaint, droll, and humorous; sometimes setting the table in a roar; then again moving his hearers almost to tears. Sure of his company, he was under no restraint, and seemed disposed to let his animal spirits run away with him, to forget the eminent lawyer and the great statesman, to roll off the sixty-five years that then weighed upon him, and be a boy again. I believe I am the sole survivor of that merry party thirty-three years ago; and many as have been the social gatherings at which in my own and other lands I have been present, I have no such experience as that afforded by the attempt at a consultation in the case of *Wilson v. Rousseau*, in the year 1846.

I ought to add that, somehow or other, when the argument came on, we fell into our proper places, and that Mr. Wilson gained his case.

#### WILD WEATHER OUTSIDE.

Wild weather outside where the brave ships go,  
And fierce from all quarters the four winds blow—  
Wild weather and cold, and the great waves swell,  
With chasms beneath them as black as hell.  
The waters frolic in Titan play,  
They dash the decks with an icy spray,  
The spent sails shiver, the lithe masts reel,  
And the sheeted ropes are as smooth as steel.  
And oh that the sailor were safe once more  
Where the sweet wife smiles in the cottage door!

The little cottage, it shines afar  
O'er the lurid seas, like the polar star.  
The mariner tossed in the jaws of death  
Hurls at the storm a defiant breath;  
Shouts to his mates through the writhing foam,  
"Courage! please God, we shall yet win home!"  
Frozen and haggard and wan and gray,  
But resolute still; 'tis the sailor's way.  
And perhaps—at the fancy the stern eyes dim—  
Somebody's praying to-night for him.

Ah me, through the drench of the bitter rain,  
How bright the picture that rises plain!  
Sure he can see, with her merry look,  
His little maid crooning her spelling-book;  
The baby crows from the cradle fair;  
The grandam nods in her easy-chair;  
While hither and yon, with a quiet grace,  
A woman flits, with an earnest face.  
The kitten purrs, and the kettle sings,  
And a nameless comfort the picture brings.

Rough weather outside, but the winds of balm  
Forever float o'er that isle of calm.  
O friends who read over tea and toast  
Of the wild night's work on the storm-swept coast,  
Think, when the vessels are overdue,  
Of the perilous voyage, the baffled crew,  
Of stout hearts battling for love and home  
'Mid the cruel blasts and the curdling foam,  
And breathe a prayer from your happy lips  
For those who must go "to the sea in ships";  
Ask that the sailor may stand once more  
Where the sweet wife smiles in the cottage door.