

ALEXANDER HAMILTON.

The concern of the American people in the national authority of our government, it may be safely said, is commensurate with the growth and expansion of the country itself. Certain manifestations of this power I have selected for your consideration. In this day when the president and Congress are daily discussing remedial measures involving its further and more effective extension, the topic, I trust, may seem timely and appropriate. Now how may we the more profitably contemplate our theme?

Some ten years ago, a renowned statesman, lawyer, and teacher, whose enduring fame will be connected ever with this great school, wrote me as follows: "Treatises in the way of commentary upon the Constitution, while sometimes very able and valuable, seem to me to be often too purely didactic and professional for the general reader or the young student. This," he continued, "I see is your own view of it to which I hope you will give full expression." The writer was the late Edward J. Phelps. Now that great teacher possibly had in mind a student body more immature, and therefore less proficient, than the young gentlemen whom I now have the happiness to address. But with liberal interpretation of his thought, to the students of a school he loved, I purpose, in the duty with which I have been honored by your great university, rather than abstract discussion, to present concrete illustration from the lives of certain illustrious Americans who were typical and swerveless advocates of the national principle in our system, and from the lives of others who with equal sincerity and devotedness resisted it to the end.

Of the formative period, such illustration may be found in a brief story of the accomplishments of Alexander Hamilton. In its inevitable exposition, the life-work of John Marshall affords another, full as it is felicitous. Among those who through motives and beliefs the most conscientious, the stars in their courses fought, may be found a graduate, in the forties of this school, the war governor of the most powerful of the Southern states throughout the trial of the Constitution by wager of battle, Joseph E. Brown of Georgia. Of those who sacrificed all, and with reluctance inde-

scribable, to the conception, that by revolution the state and not the nation became supreme, example most illustrious is found in the general-in-chief of the Confederate armies, Robert Edward Lee. In successive addresses I purpose to briefly speak of these exemplars of a noble and sacrificial past. In our own day and time, when the authority of the nation is in perfect flower, it is not difficult to find illustration of its potential beneficence, to country and to mankind, in the fearless utilization of its powers; in the practical and conceded achievements of our living president.

On the island of St. Nevis in the West Indies, the eleventh of January, 1757, Alexander Hamilton was born. Many great men have been precocious children. The astonishing precocity of Hamilton rivalled the growth of those tropical flowers perfuming the zephyrs that caressed the soft tresses of the little child. We find him when twelve years old a clerk in a counting-room, and in the familiar letter to his friend, Edward Stephens, at that tender age it is discovered that he is already the possessor of a vocabulary well nigh Johnsonian. "I contemn," he writes, "the grovelling condition of a clerk or the like to which my fortune condemns me, and would willingly risk my life though not my character, to exalt my station. I am confident, Ned, that my youth excludes me from any hopes of immediate preferment, nor do I desire it, but I mean to prepare the way for futurity." So marked was his capacity at this time, that by friends or relatives, he was entrusted with the sole management of a mercantile business of importance, and it cannot be doubted that the familiarity he thus acquired with business methods and accounting, had the most important influence, when it devolved upon him to organize the treasury, and to utilize the untouched resources of our country for the establishment of national credit. Indeed I have long been convinced that no single accomplishment is of more practical value to the lawyer or statesman than a precise knowledge of accounting and the methods of successful business men.

The genius of this remarkable youth was now appreciated by those who were concerned in his welfare. By a judicious liberality, for which they will deserve the gratitude of generations yet unborn, they made provision for his education. In his fifteenth year he left St. Nevis and arrived in Boston in October, 1772. He was advised to enter the grammar school at Elizabethtown, and at the end of the year he entered King's, now Columbia College. There he had the assistance of a private tutor. He labored incessantly. In addition to his regular studies he indulged his natural inclination and made

continual excursions into the domains of finance, government and politics.

Hamilton was born twelve years after Jefferson. Wellington and Napoleon were born in the same month. "Providence," said Louis the Eighteenth, "owed us that counterpoise."

While Hamilton was thus, in the words of his boyish letter, striving "to prepare for futurity," there came in his affairs that tide which leads on to fortune. It was the rising tide of the American Revolution.

The lad had been born in an English dependency. While it is probable that he had listened to the declamations of the Boston patriots, he was now in New York where the Tories were in control. It is characteristic of the man, as he declares himself, that he had formed strong prejudices on the ministerial side, until he became convinced by the superior force of the arguments in favor of the Colonial claims.

On the sixth of July, 1774, a great open air meeting was held under the auspices of the patriot leaders. Hamilton was in attendance listening to the speakers.

In the summer of the same year, perhaps in the same month, on the other side of the Atlantic, another youngster of Scottish blood clothed in the regimentals of the Scotts Royals strolled into the court at the assizes of a country town where Lord Mansfield was planter as these firm lips exclaimed "The liberties of the country are safe." Long Island, White Plains, Trenton, Princeton, Brandywine, Monmouth and other stricken fields where the red coats of King George and his own "ragged Continentals yielding not" had met in the shock of battle, were all now behind him. He was now at the fruition of his hopes, but to the last he maintained the intense, but calm intrepidity in hours of extremest moment which has ever marked our greatest military leaders. As Hamilton's command advanced, Washington had dismounted, and had taken his stand in the grand battery with Generals Knox and Lincoln and their staffs. As the columns swept on, he watched them through an embrasure. One of his aides suggested that his situation was very much exposed. "If you think so," he coldly replied, "you are at liberty to step back." A musket ball struck the cannon in the embrasure, rolled along it and fell at his feet. General Knox grasped his arm, "My dear General," exclaimed Knox, "we cannot spare you yet." "It is a spent ball," replied Washington quietly, "no harm is done" When all was over and the redoubts were taken,

he drew a long breath, turned to Knox and said, "The work is done and well done." Five days later the British army marched mournfully from their works with slow and solemn steps, and colors cased, their drums thumping out, and their fifes wailing an old time air, entitled "the world turned upside down," and grounded their arms. The country gave way to transports of joy. Lord George Germane was the first to carry the news to Lord North at his office in Downing street. And how did he take it, was inquired. The reply was, "as he would have taken a ball in the breast."

It is interesting to recall that at Yorktown Hamilton no longer belonged to Washington's military family. The incident which occasioned the separation had occurred on the 18th. day of the previous February. It is described by Hamilton himself in a letter to General Schuyler. "An unexpected change," writes Hamilton, "has taken place in my situation. I am no longer a member of the General's family. This information will surprise you, and the manner of the change will surprise you more. Two days ago the General and I passed each other on the stairs; he told me he wanted to speak to me. I answered I would wait on him immediately. I went below and delivered Mr. Tilghman a letter to be sent to the commissary, containing an order of a pressing and interesting nature, returning to the General I was stopped on the way by the Marquis de LaFayette, and we conversed maybe about a minute on a matter of business. He can testify how impatient I was to get back, and that I left him in a manner which, but for our intimacy would have been more than abrupt. Instead of finding the General, as is usual, in his room, I met him at the head of the stairs, where, accosting me in an angry tone, 'Colonel Hamilton,' said he, 'you have kept me waiting at the head of the stairs these ten minutes; I must tell you, sir, you treat me with disrespect.' I replied without petulancy, but with decision, 'I am not conscious of it, sir; but since you have thought it necessary to tell me so, we part.' 'Very well, sir,' said he, 'if it be your choice,' or something to this effect, and we separated. I sincerely believe my absence which did so much umbrage, did not last ten minutes."

The exquisite judgement and profound magnanimity of Washington, was not ruffled by the punctilios of his young friend. We have seen how just he was to Hamilton at Yorktown. It is indeed probable that no man has ever surpassed Hamilton in his power to gain the affectionate donation of very

great men. "He was evidently," said one of his most engaging biographers, "very attractive and must have possessed a great charm of manners, address and conversation, but the real secret was that he loved his friends and so they loved him. All his comrades on the staff and all the officers young and old who knew him and were not hostile to Washington loved him and were proud of his talents. The same was true of the young French officers with whom he was much thrown, on account of his perfect command of their language, a very rare accomplishment in the colonies. To these attributes we may ascribe, that personal following in after years which for culture, force of character, lofty ability and devotion to his leadership, are surely unsurpassed in American political history.

It is incontestable, that in the practical application of the science of government, the educative results of Hamilton's duties as military secretary were most potential. His persuasive and constructive powers were now to be devoted for years to the salvation of an unorganized people, and the making of a nation. That Washington is himself entitled to the credit of the enormous correspondence which had emanated from his headquarters cannot be fairly denied. It was he who directed the movements of armies, who protested against the incapacity of officers, native and alien, who imparted to Congress an account of his necessities and who as unceasingly urged upon that body the performance of the duty. Indeed to the Continental Army, as to the continental congress, Washington's relation, when contrasted with that of other great Generals in command, is at once isolated and unique.

A Caesar might rely with confidence upon those legions the thunder of whose tread was heard from the plains of Parthia, to the mists of Caledonia. Cromwell, from a devout God-fearing and tyrant-hating people, had trained an army whose backs the brilliant Macaulay declares "no foeman had ever seen." These were at the command of that imperial voice whose mandate at once arrested the depredations of the Lpbian pirates and quenched the avenging fires of Rome. The great Frederick might with ostentation coin the silver chandeliers in his palaces in Berlin and Pottsdam, but the last thaler of a united, devoted and warlike people was at the command of the last of the great Kings. At Austerlitz or Jena the undiminished enthusiasm of the French Revolution, the passion for military glory of the French people, and the wealth of the Empire, were instantly responsive to Napoleon's order or decree. Behind the armies of

Wellington were he constantly increasing wealth, and irresistible sea power of British people. On his lines at Torres Vedras, or his formation at Salamanca the cartridge boxes of his troops might be refilled and their rations supplied as regularly as at London or Chatham. Of these essentials of successful war, Washington had little or nothing. Indeed nearly to the end, the war of the revolution was fought without organized government of any sort, and it was soon seen that the compact that followed was worse than no government at all.

After Yorktown, our government was at the period of its greatest debility. We were now living under the Articles of Confederation, which had gone into alleged operation on the 1st of March, 1781. Both Hamilton and Washington had foreseen its impotency. In his famous letter to Duane, written the previous year, Hamilton had declared of this "firm league of friendship," as it was self described: "It is defective and requires to be altered." After this moderate criticism he adds: "It is neither fit for war nor peace. The idea of an uncontrollable sovereignty in each state will defeat the powers given to Congress and make our Union feeble and precarious." The unbroken testimony of men who lived in that day verifies the forecast of Washington's marvelous aide de camp. After six years experience of this "uncontrollable state sovereignty," a writer in the American Museum records: "The United States in Congress have exclusive power for the following purposes without being able to execute any of them. They make and conclude treaties, but can only recommend the observance of them. They appoint ambassadors, but cannot defray even the expense of their tables. They may borrow money in their own name on the faith of the Union, but cannot pay a dollar. They may coin money, but they cannot purchase an ounce of bullion. They may make war and determine what number of troops are necessary, but cannot raise a single soldier. In short they may declare everything but do nothing."

I may add that the United States of America during this period had no executive, and barring a "Prize Court of Appeal" as it was termed which had no power or process to enforce its decrees, no judiciary, and not a dollar to pay a judge or juror. Finally the sole tribunal representing the judiciary of the United States informed the moribund congress, that its duties were completed, and the court might as well dissolve. How far this report was ascribable to the fact that no sustentation was afforded

the judges from the empty coffers of the Confederation, we have no precise information. The Congress, however, promptly replied to the effect that the public interests required that the judges should retain their jurisdiction and exercise their authority, but without any salaries. With amiable self abnegation the judges then withdrew their resignation and we may trust continued to survive. Perhaps Thomas Jefferson had this precedent in mind, when some years later he declared of the Federal judges that "few die and none resign."

The debility of the government was daily more alarming. Finally the Congress of the Confederation which had at least on one occasion depended upon the sprinting excellence of its membership to escape personal chastisement at the hands of unpaid and mutinous troops, deemed it the part of discretion to silently and informally disband. The French minister now wrote to his government: "There is now in America no general government, neither President nor head of any one administrative department." In the meantime Washington had performed his last public act under the Revolutionary government. This was his formal resignation as commander in chief of the American army. He bade farewell to his troops, broke up their encampment at Newburgh on the Hudson. He had, on the eighth anniversary of the Lexington fight, announced to his army the joyful prospect of a certain peace. It was now November. He had been concerned for several days with the British evacuation of New York, and at a tavern near Whitehall Ferry he gave an affectionate farewell to his officers, grasping each silently by the hand. It was not until the twenty-third day of December that his resignation was delivered to Congress, and Mifflin, the president of Congress, as he received the parchment, exclaimed: "You retire from the theatre of action with the blessings of your fellow citizens, but the glory of your virtues will not terminate with your military command; it will continue to animate remotest ages." The great man now retired to that colonial home on the romantic eminence, where the placid tides of the Potomac lave its Virginian shore, hard by the spot where his ashes now repose, forever to be hallowed by the love and devotion of increasing millions of his grateful countrymen. But the charms of Mt. Vernon could not banish from the mind of Washington the urgent necessities of his country. He saw John Adams, our first minister to the court of St. James, welcomed indeed by his first visitor, the noble and venerable Oglethorpe, the founder of my own state, but treated

with surly and contemptuous indifference by the King, who publicly turned his back, and by the British ministry, who sent no ambassador in return. He knew that when the American commissioners attempted to negotiate a commercial treaty with Great Britain, they were contemptuously asked whether they had credentials from the separate States. He knew that the public debt could not be funded; that the interest could not be met; that no taxes could be collected; that if there should be an attempt to coerce a state to pay its assessment, it meant inevitable, civil war and disintegration; that the best securities of the country rated at times as low as 15%; that at home and abroad our country was becoming disreputable; that Great Britain yet refused to surrender her Western posts, confessedly within the boundaries fixed by the treaty of peace; that Spain who for long thwarted the recognition of our independence, and ever the insidious enemy of America, holding the mouth of the Mississippi, was striving to withdraw the allegiance of our people west of the Alleghanies; that the Atlantic coast from the Bay of Fundy to the river St. Mary was cut up between thirteen independent states, each with its own revenue laws and collection methods; that interstate tariffs were alienating the American commonwealths, and that Connecticut taxed Massachusetts imports higher than British. The general heard the complaints of his intrepid comrades, who had faltered not amid the floating ice of the Delaware, the Hessian volleys at Trenton, the agonies of cold and hunger at Valley Forge, the sweltering heat of Monmouth, who at last had stormed the British entrenchments at Yorktown, and now without pay or pension had repaired to homes of penury and distress. Is it surprising, then, that the Father of his Country, and many who thought with him, determined that America should have a government worthy of the glories of its past, commensurate with the necessities of the hour, and sufficient for the exigencies of the future,

In the meantime, after Yorktown, Hamilton had resigned his commission and had left the army to take up the study of the law. More than a year before Yorktown, he had written to a member of Congress from New York, "We must at all events have a vigorous confederation, if we mean to succeed in the contest and be happy thereafter. Internal policies should be regulated by the legislatures. Congress should have complete sovereignty in all that relates to war, peace, trade, finance, foreign affairs, armies, fleets, fortifications, coining money, estab-

lishing banks, imposing a land tax, poll tax, duties on trade and the unoccupied lands." The foreknowledge of the evolution of our government by the young staff officer will seem to rival prophecy itself. This remarkable letter was written from his tent while the writer was surrounded by the ragged and hungry soldiers of Washington. From the same environment he wrote to Robert Morris discussing his scheme for a national bank. These incidents exhibit at once his indomitable love of work, and his irresistible disposition toward broad concerns of state craft and national polity.

I have inexcusably omitted to mention that we find in Hamilton's life confirmation strong of that popular conviction, especially among the better half of humanity, that the greatest men are the most susceptible to the influence of feminine charms. When in 1779, Washington after Saratoga had sent his young officer to request re-enforcements from General Horatio Gates, Hamilton had met at Albany an apparition altogether more agreeable than that doughty and self-satisfied warrior. This was Miss Elizabeth Schuyler. This charming young woman was the daughter of the friend of Washington, the distinguished General of that name. The acquaintance was renewed in the Spring of 1780, and ripened into an engagement. The marriage was not unreasonably delayed. Hamilton was now connected with one of those famous Dutch families, of a race whose indomitable courage at once reclaimed their beloved Fatherland from the waves of the North Sea, and whose irresistible passion for civil and religious liberty had expelled from its borders the rule of merciless and intolerant bigots of a cruel and alien race. Our country owes much to the fighting strain of those brave Hollanders, and will doubtless continue, for some time to come, to profit from their passion for practical and effective state craft and their native instinct for the construction of works of irrigation, and the excavation of canals.

After a few months preparation, Hamilton was admitted to the bar in the Summer of 1782. Of course he had little time for study, but in after years it was found that all the law he had acquired, had been condensed in a brief manual in manuscript, which became serviceable to many others who did not possess his original powers of logic and reasoning.

It does not appear that his profession was immediately very productive. He had indeed the habit of charging very small fees. He was soon appointed receiver of continental taxes for

the state of New York, and November 1782, was elected to the decrepit Congress. At once, but with little hope, he grappled with the desperate condition of affairs. In vain did he attempt to secure legislation for duties on imports. In vain he struggled to prevent the disbandment of that gallant army described by La Fayette as the most patient to be found in the world. The pageant of state sovereignty sent them home with nothing but their rifles and muskets. In vain he urged the organization of a regular force which might become the nucleus of future armies. When State sovereignty was through with the national defense the army of the United States was found to consist of eighty mercenaries.

It is not then surprising that Hamilton's disposition toward forceful and effective organic law was immensely strengthened. The inanition and imbecility of scarecrow government, tolerated by the selfishness, suspicion, and inertia of thirteen unconnected states, drove him to the side of Washington, as faithful, as devoted, and as indomitable as at Valley Forge and Trenton, at Monmouth and Yorktown.

Now for the first time he takes active part in the formation of the Constitution. Seizing the occasion of the abortive convention at Annapolis he drafts an appeal for a new convention which throughout the country is read everywhere. Securing an election to the legislature of New York, with the utmost difficulty he induces the election of delegates to the Constitutional Convention of May 8, 1787. In that body he is the minority delegate from his state. There he contents himself with one great speech, which Gouverneur Morris declared the ablest and most impressive he ever heard. The synopsis of this great argument is preserved, and it sets forth those profound meditations upon the science of government, which have been to him habitual from boyhood itself. In favor of strong government, it is far in advance of the views of the Convention but it is, as it is intended to be, highly educative. Certain of its principles while startling to the Convention then, to the American people of today are as familiar as household words. His colleagues saturated with opposition leaving the Convention he does not hesitate to sign the constitution for New York.

To frame the Constitution was a difficult task, but to secure its adoption by the people is more difficult still. The story is familiar how he and Madison and Jay devote their facile and lucid pens, their exquisite powers of argument and organization

to the cause of the perpetual union. Of Hamilton and Madison, who has been termed the Father of the Constitution, it has been said that "the complement of two such minds was most auspicious for the country." They are both very young for such a mighty undertaking, but the serene wisdom of Washington, the silent watchman, curbs the fervid energy of the one and encourages the dispassionate clear-sighted and persuasive powers of the other. In successive numbers the Federalist is published. Aside from the great decisions of John Marshall and the mighty judges who held with him, to this day it is the best and most satisfactory exposition of the mischiefs the Constitution was intended to cure, the elastic and all sufficient remedies which it affords. Nor is it without the proud elation of Americanism we reflect that when the victorious Princes of the great Teutonic race intent on the formation of the German empire assembled in the Hall of Mirrors at Versailles, to the Federalist their jurisconsults turned, as to the most comprehensive treatise on the principles of federal government.

But the literary rank attained by Hamilton in these great papers, great as they were, do not afford such manifestation of astonishing power, as his part in the debate in the New York convention. Here the opponents of the Constitution under the leadership of Clinton, Governor of the State, have forty-six out of sixty-five votes. The majority is lead by Melancthon Smith, no mean debater himself. There also are Yates and Lansing, who had been Hamilton's colleagues in the Constitutional Convention. The minority of nineteen had for its leaders, Hamilton, Livingston and Jay. "Two-thirds of the convention and four-sevenths of the people are against us," Hamilton declares.

The work of the convention and every clause and paragraph of the Constitution is scrutinized and assailed with all the bitterness a venomous and hypercritical majority can suggest. Hamilton himself is constantly assailed, as if he, and not the Constitution is the object of attack. The sessions of the Constitutional Convention had been secret, and Hamilton is familiar with every detail. He comes to the debate as from a rehearsal. When it is all over it is again seen, in the words of Washington at Yorktown, that "the work is done and well done." The opponents of the Constitution dare not come to a direct vote. This suits the Federalists, who know that time is working for them. Nine states have ratified, and presently the news comes that the Old Dominion, the state of Washington, had also assented. Perceiv-

ing their defeat the opponents propose a long string of amendments and a conditional ratification. So brilliant is the reply of Hamilton to these measures, that Melancthon Smith himself confesses that conditional ratification is absurd, and then admits that he has been convinced by Hamilton and that he will vote for the Constitution. The Constitution has won.

This victory of Hamilton was epochal. As a parliamentary victory it has rarely been equalled. In open debate upon clearly marked party lines he has overcome and won over a hostile majority. Mr. Bancroft declares that as a debater he was the superior of William Pitt, the famous son of that more famous Pitt, the Earl of Chatham. We may well believe that he had little, if any, familiarity with the masterpieces of Greek and Roman, which afforded an incomparable training and equipment, to such men as Pitt and Fox, Macaulay and Gladstone. Nor did he possess the musical and irresistible eloquence found in the native wood notes wild of Patrick Henry. It could not be said of him as Grattan said of Chatham that he "resembled sometimes the thunder and sometimes the music of the spheres," but in crystal clearness he was unsurpassed. No man could misunderstand his meaning, and behind this there were qualities which touched the deepest springs of the human heart. Many eye witnesses testified that Hamilton moved his audience to tears. It was the passionate fervor of his convictions, the profound consciousness of his audience, that he paid them the high tribute of an appeal to the deepest and purest sources of their patriotism. Reasonable differences he dispelled by the illuminative processes of his mind. Immovable hostility he destroyed by the concentrated flame of reason's whitest heat.

When the new government is formed and the department is created, he is at once appointed by Washington as the first Secretary of the Treasury. In ten days he is directed by the new Congress to prepare and report upon the public credit. That this involves his whole financial policy, does not prevent that body from requesting him to report also full details for the raising, management and collection of the revenue, for revenue cutters, for estimates of income and expenditure, for the temporary regulation of the currency, for navigation laws and the regulation of the coasting trade, for the proper management of the public lands, upon all claims against the government, and for the purchase of West Point. With the utmost celerity the

young Secretary disposes of all these matters, and in addition voluntarily suggests a scheme for a judicial system.

He obtains money for the immediate necessities of the government, sometimes pledging his own credit, and then devises the vast financial machinery of the Treasury Department and the system of accounting which in efficient principle survives to the present time.

The ineffaceable impression he makes is in the early days of our legislative history. In his first great report on the public credit he announces principles, which when observed have been rewarded with a national prosperity such as the world has never known, but when, for the hour, avoided, the punishment as swiftly comes in bankruptcy, disaster, panic and dismay. His entire system is based upon the most scrupulous unvarying honor in the discharge of national obligations. In his own language he expresses it all, "to justify and preserve the confidence of the most enlightened friends of good government; to promote the increasing respectability of the American name; to answer the calls of justice; to restore landed property to its due value; to cement more closely the union of the states; to add to their security against foreign attack; to establish public order on the basis of an upright and liberal policy; these are the great and invaluable ends to be secured by a proper and adequate provision
* * * * * for the support of public credit."

It is obviously impossible upon an occasion like this to discuss even the principal topics of those momentous concerns, to which Hamilton's original and constructive powers were successively devoted. It will suffice to say that his report on manufactures is the first, and by many believed to be the greatest argument ever made in maintenance of the principle and the wisdom of protection of the manufactured products of the American people against injurious competition from other lands. It was instantly declared by Jefferson, his great rival to be designed "to grasp for Congress control of all matters which they should deem for the public welfare and which were susceptible of the application of money." His second report urging the establishment of an excise tax is the basis of the internal revenue system. As Farraday said that "electricity is Franklin," so we may say that national banking system is Hamilton. His great argument on a national bank evoking for the first time the implied powers of the Constitution, hurriedly prepared amid the multitudinous and laborious duties of his station, will ever cause

men to accord to him, among his other amazing powers, a high place in the front rank of the profession of the law. Here for the first time is discovered the clear, but seemingly unfathomed, depths of that well-spring of national authority, which has sustained the purposes of the nation to enact any and all laws, which may at home, at once make effective the letter of the organic law, and advance the welfare of the American people, and abroad to give to the just, righteous and beneficial conclusions of American civilization, expressed by American administration, supported by the moral, and if need be the physical influence of the great republic, the force and effect of international law.

It is true that this doctrine of Hamilton and his followers, to use the simile of John Adams on another portentous occasion, was "like a fire bell in the night." To write the history of the resulting struggles over this basic principle of the national existence, as parties reeled and staggered in the conflicts of the forum or in the deadlier conflicts of the field, would be to write the history of the country since that time; but that Hamilton was right and eternally right will no longer admit of serious discussion. To deny it would be to sweep from the statute books the entire criminal jurisdiction of the United States courts. Blot from the American system the Hamiltonian doctrine of the implied powers and the fame of our jurisprudence would wither and perish like the prophet's gourdmen. The public buildings which house our officials and protect our records, the forts and batteries on our boundaries, the friendly lights which guide the mariner, the granitic walls of the great locks on the great lakes through whose portals float in safety a tonnage greater and more profitable than that which rides over the waves of the ocean, the stupendous works at the mouth of the Mississippi, the incessant clanking of those gigantic engines now cutting an inter-oceanic path for the maritime commerce of the world, these and much more like these would be but the successive monuments of an usurping government and a lawless and therefore a decadent people. Whether it be for an appropriation to maintain a range light, or to relieve the agonized people of a city whose homes have crumbled by the upheaval of the earthquake, the horrid sweep of the conflagration, all is traceable to that source of governmental authority forever residing in the implied powers of the Constitution. Hamilton had seen and known the condition of our country when it seemed in the language of Washington, that it would resolve itself into the "withered fragments of empire."

With his illustrious compatriots, he educated Patrick Henry's three millions armed in the holy cause of liberty, and their children, to the knowledge that all liberty is worthless save liberty under the law and effective law. He now saw the roseate blush of the nation's dawn. It enchanted his prescient and prophetic vision. Well might he have exclaimed as did another patriot, when the shot of the embattled farmers rang out on that memorable April dawn so many years before, "Oh, what a glorious morning is this !"

But, alas, that

"Base Envy that withers at another's joy,
And hates that excellence it cannot reach,"

should so soon mark him for its own.

For two years more than a century the mortal remains of this great man have rested in the churchyard of old Trinity. Millions of his countrymen, on crowded Broadway annually pass in a few feet of the spot where his ashes repose. The small city where he labored, and lived, and died, has become one of the greatest on earth. Gigantic structures devoted to the trade, commerce, transportation and banking of the world, to which his genius imparted so much, tower above the graceful spires of the old church and cast their shadows over the sward where the forefathers of the city, and of the nation sleep. Across the way in a short and narrow street the wealth of this and other nations is concentrated for the service and for the advancement of every interest of a mighty people. The rains laden with their human freight, thunder hard by the lonely grave, or rumble in subways far beneath its level. The beautiful river across which so many years ago he went to meet his mortal enemy, and his fate, sends forth year after year bread to feed nations, whose names the sleeper never heard, the manufactured necessities of life, of which the sleeper never dreamed. Not inappropriate then is his resting place. Yet magnificent as are the environments of his grave, to this man who "thought continually" there may be a vision nobler by far. It is the happy homes of eighty millions of American people, a people whose domain stretches from the tropical frondage of Porto Rico to Alaska's frozen strand; from the gigantic shores of Maine, to that wondrous archipelago of the Orient, where but lately the guns of our gallant squadron proclaimed that the genius of American civilization had come to stay. And if, as we fondly trust, the souls of those we love, who precede us, are permitted to receive and to know those who

follow, may it not be true after all of life was over, that comrade compatriot he heard, as at Yorktown, the majestic words, "The work is done and well done," from the welcoming voice of the Father of his Country.

Emory Speer, LL.D.

The advocacy of National authority, apparent in the lectures on the Storr's foundation for this year, is possibly native with the lecturer, Judge Emory Speer of Georgia, whose address on "Hamilton" we publish in this number, and whose address on "The Initiative of the President" appeared in the November issue. He is a native Georgian, the grandson of Alexander Speer, one of the most eloquent and forceful leaders of the Union party in South Carolina in the days of Nullification, and the son of the Reverend Eustace W. Speer, D.D., an eminent divine of the M. E. Church South, who was equally well known for his opposition to the disruption of the Union.

Judge Speer, while only fifty-eight years of age, has been in public service for more than a generation. He was appointed Solicitor-General, the state prosecuting attorney, in January, 1873. He was elected to Congress in 1878, and was one of the very few members of that body who were, since the organization of the government, appointed to the Ways and Means Committee in their second Congressional term. At the expiration of that term, he was immediately appointed by President Arthur, United States attorney for the Northern District of Georgia. His career in that station was marked by several notable professional victories. Perhaps the most significant of these was his success in the *United States v. Yarbrough* and others, a prosecution for conspiracy, reported in *ex parte Yarbrough*, 110 U. S. 651. This is the leading case on that topic, where the conspiracy is formed to injure another, because of his exercise of a right secured to him by the constitution and laws of the United States. After less than two years' service in that station, Judge Speer was appointed to the position he now holds, that of United States District Judge for the Southern District of Georgia. For nearly twenty-two years he has performed all of the duties of Judge in the District Court, and practically all of the duties in the Circuit Court, not Appellate, in the extensive and populous territory within the jurisdiction of his district. So steady and unwavering is the support given his administration of the law by the people of that typically Southern country, that the laws of the government are enforced and the rights of non-residents protected there with unvarying effectiveness and certainty.

Like many of our judges, he finds time to aid young men in preparation for admission to the bar, and is dean of the faculty of one of the most prosperous law schools in the South, that of Mercer University, located at Macon, where Judge Speer resides.

At a meeting of the class of '99 Law School held yesterday, the following preamble and resolutions regarding Judge Ullman's death were adopted:

Whereas, We have learned with deep sorrow of the death of our beloved classmate, Jacob B. Ullman; and

Whereas, We wish to express in permanent form our appreciation of his sterling worth, his high attainments, his genial and lovable character, which has been manifested in the high station to which he was called and which has endeared him to us and all who knew him:

Resolved, That we tender to his family our most sincere sympathy in their bereavement; and be it further

Resolved, That a copy of these resolutions be sent to his family and that they be published in the New Haven papers, YALE LAW JOURNAL and *Yale Alumni Weekly*.

On behalf of the class '99 Yale Law School.

HARRISON HEWITT,
ERNEST C. SIMPSON, } *Committee.*
SAMUEL E. HOYT,

████████████████████

Whereas, It has pleased Almighty God, in his infinite and unsearchable wisdom to remove from our midst the Honorable Jacob Bertram Ullman; and,

Whereas, We, the members of the Yale Kent Club, realizing the great loss of a true friend and loyal supporter,

Be it resolved, That we wish to express our sorrow at the unexpected death of our former friend and member; and that we desire to extend our sincere sympathy to his family in their bereavement;

And be it further resolved, That a copy of these resolutions be sent to his family; and that a copy be published in THE YALE LAW JOURNAL.

JOHN B. DILLON,
WILLIAM J. MCKENNA, } *Committee for the*
JOSEPH G. SHAPIRO. } *Yale Kent Club.*

████████████████████