ADVANCE SHEET – July 22, 2022

President's Letter

In this issue, we present Severn Teackle Wallis' tribute to Baltimore's greatest philanthropist, George Peabody (1795-1869). After Wallis delivered a memorial address in Baltimore, he was invited to re-deliver it before a joint session of the Maryland General Assembly in Annapolis, an astonishing tribute to Peabody. The legislature specially assembled in the gas-light era to hear the tribute.

Wallis' oratory partook of the over-ripeness fashionable in the gilded age. Peabody began his career in Baltimore, departing for London in 1837; monuments to him exist in both places. His philanthropies in London centered on housing; in the United States on the Peabody Institute and Conservatory, the centerpiece of Mt. Vernon Place, perhaps America's most architecturally notable public square. His largest single American philanthropy was the Peabody Education Trust created in 1867-68 which was one of the two major contributors to the education of blacks in the South (the other being the Julius Rosenwald Trust established after the First World War) a matter of indifference to many Southern state governments at a time when public education was only starting to be promoted. In his unpublished and abortive concurring opinion in Brown v. Board of Education, Justice Robert Jackson would have grounded the overruling opinion on the rise from 10% literacy to almost universal literacy among blacks, a rationale perhaps more convincing to the South than the Court's reliance on Kenneth Clark's paper doll experiments.

Severn Wallis, unlike his friends George William Brown and Roger Taney, was a defender of Southern secession, though he opposed Maryland's secession as not in the State's interest. He was imprisoned along with Brown for 14 months during the Civil War. He is regarded as a leading founder of the Maryland State Bar Association, but is today most remembered for the fact that the Duchess of Windsor was named after him.

George W. Liebmann

A Chip Off The Old Block

The major League Baseball draft was this past Tuesday and the Orioles of Baltimore had the first selection. You obtain the first pick by being the worst team in baseball during the course of the previous season. It was the second time in the last four drafts the Orioles had earned the distinction. In my youth, many years ago, they would usually pick toward the end: in 1967 and 1971 last, in 1970, 1972 and 1980, regrettably, next to last.

With their selection the Orioles drafted Jackson Holliday, the son of a former major league all-star. Many thought the selection might be Druw Jones, the son of another former star player, Andruw Jones of the Atlanta Braves.

Baseball has a tradition of fathers and sons. One of the more famous examples is that of the Boone family. Ray was followed to the majors by his son Bob who in turn saw two of his sons play in the big leagues, Bret and Aaron. The latter is the current manager of the New York Yankees. The Boones, fun fact to know, are direct descendants of the legendary Daniel Boone.

Another profession with a history of children following their parents is the law. In my office is a safe that once belonged to local Baltimore attorney Philip L. Sykes. Rumor has it that his son Melvin J. also became a lawyer. In Baltimore we have seen the likes of Harry Levin and his son Marshall Levin; George L. Russell, Jr. and his son George L. Russell, III; and Charles H. Dorsey, Jr. and his son Charles H. Dorsey, III. I have had the pleasure of knowing many of these individuals and they were and are amongst the nicest and most competent lawyers and judges you could ever hope to meet.

In order to insure that your sons and daughters have access to a first rate collection of legal materials, databases and services, I ask for your continued support of the Bar

Library by way of your memberships and donations. An institution that has existed before many of our families even came to this continent, can go only so far as your support will allow it to. The Bar Library, owing to the largesse that has been bestowed upon it over the years, does indeed have much to offer. I ask that you please stop by for a tour if you have forgotten just how much.

Take care and I hope to see you soon.

Joe Bennett

DISCOURSE

ON THE

LIFE AND CHARACTER

OF

GEORGE PEABODY,

DELIVERED IN

THE HALL OF THE PEABODY INSTITUTE,

Baltimore, February 18, 1870,

AND REPEATED, FEBRUARY 25TH, BEFORE THE

SENATE AND HOUSE OF DELEGATES OF MARYLAND,

ON THEIR INVITATION.

GEORGE PEABODY.

ON the 12th of February, thirteen years ago, the Founder of this Institute committed to the hands of his selected agents the noble gift, which, under his accumulating bounty, has since swollen to more than four times its original amount. Upon the same day, year after year, the Trustees whom he so honored have been wont to render him an account of their stewardship, and renew to him the expression of their reverent affection and gratitude. Some months after our last annual address to him, we shared with our fellow-citizens the pleasure of seeing him again among us in person, full, not only of increasing sympathy with the purposes of this Foundation, but of abounding munificence to serve them. Although the hand of disease was then heavy upon him, there was, we thought, reason for the hope that he might be spared for many years, to see the growth of the good seed which he had planted in so many places. We especially looked forward to the return of our anniversary, that we might testify, by some public and appropriate recognition, our sense of his untiring bounty and his cordial personal confidence and kindness. But—blessed as his work on earth was, it had been accomplished, and a higher reward was near him than even an old

age, beloved of God and man. We shall never look upon his kindly face again, nor shall his lips speak charity and wisdom, any more, to us. The thousands of little children who were gathered round him, as about a father's knees, when he graced the dedication of this building with his presence, will tell to their own children how the eyes of the good man filled and his kind voice faltered, as he uttered the last touching and tender words of counsel, which were among his worthiest gifts to them. But his venerable form they must remember, now, among the pleasant visions of childhood, which fleeted away too soon. He is of the past, to them as to us; and though public sorrow and private affection may mourn over his departure, there is surely no one to repine at the thought, that he has passed over the great gulf, fixed, of old time, between the rich man and Abraham's bosom.

I am here, upon the invitation of my associates in the Trust which Mr. Peabody created in Baltimore, to say something of his life and character. We had selected, as an appropriate occasion, the anniversary to which I have alluded. The change which brings us together to-day, instead, not only gives us the pleasure of welcoming friends and co-laborers from a distance, who could not otherwise have joined us in these offices, but enables us, "with double pomp of sadness," on the birth-day of our Founder, to lay our tribute on his tomb. I regret, unaffectedly, that the duty which has been assigned to me was not committed, as I wished, to other hands, for there are those among my brethren, far better fitted to perform it, whose age and long and intimate acquaintance with Mr. Peabody would have given to eulogy the weight and the force of personal knowledge and testimony. Except,

however, as an expression of our own and the public feeling and the doing of a duty as well as a labor of love, it would seem almost idle for the best of us to say a word at this moment. The press of the civilized world has already exhausted on the subject all the acuteness of analysis and all the fulness of appreciation and sympathy. Eloquence has poured out upon it the whole wealth of pathos and illustration. Even governments have found heart in it for tenderness and reverence, and

"Nations swell the funeral cry."

In the annals of our race, there is no record of funeral honors, to an uncrowned man, such as have been rendered to George Peabody. The story which comes nearest to what we have beheld, is told by the grandest historian of Rome and is lighted by the finest touches of his genius. It follows the widow of Germanicus across the wintry seas, as she bore, from Antioch to Rome, the ashes of her hero. We can almost see the people crowding to the walls and house-tops, and thronging the sea-coast, as with slow oars the silent galleys came. The voice of lamentation seems to echo round us, as it rose from all the multitude, when Agrippina landed with her precious burden, and her sobbing children followed. The urn is borne to the Imperial City on the shoulders of centurions and tribunes. Crowds hasten from afar and weep, in mourning garments, by the road-sides. Funereal altars smoke with victims as the sad array goes by, and spices and perfumes and costly raiment are flung into the flames as offerings. The City streets—now still as death, now loud with bursting sorrow—are thronged with Rome's whole peo-

ple, and when, at last, the ashes are at rest in the Augustan Mausoleum, a wail goes up, such as before had never swept along those marble ways. The tale which Tacitus has told us of these splendid obsequies, comes to us, with redoubled grandeur, through "the corridors of time," and yet its incidents are almost tame to what ourselves have witnessed. The stately ship which bore, across the waves, the corpse of him we honor, is a marvel that Rome never dreamed of—the proudest convoy that ever guarded human ashes. The ocean which she traversed is an empire, over which the eagles of Germanicus knew no dominion. The mighty engines and instruments of war which welcomed her, were far beyond the prophecy of oracle or thought of Sibyl. Beside the unseen power which dragged the funeral-car and cleft the waters with its burden, in mastery of the winds, the might of legions is simple insignificance, and it seems like trifling to tell of galleys, centurions and tribunes. Nor is there, in the mourning of the populace of Rome over one of its broken idols, a type even of the noble sorrow which has united men of all nations and opinions in their tribute to our lamented dead. And who shall speak of Heathen temple or Imperial tomb, in the same breath with the great Abbey Minster, where he slept awhile amid the monuments and memories of statesmen and warriors, philosophers and poets, philanthropists and kings—where more of the dust of what was genius and greatness is gathered, than ever lay under roof or stone? There is something which almost bewilders the imagination, in the thought, that on the day and at the hour when our own bells were tolling his death-knell and people stopped to listen, in the streets, the requiem

of the Danvers boy was pealing through aisle and cloister, thousands of miles away, where funeral song had rung and censers smoked, whole centuries before men knew the Continent which was his birthplace. It seems as if the dirge of to-day were a reverberation from the ages. And when we reflect how simple the career was, which closed amid all these honors; how little their subject had to do with the things which commonly stir men's bosoms and win the shouts of wonder and applause, in life or after it; that he was not great, as men judge greatness; that every badge and trophy of his exceeding triumph was won by an unconscious and an unstained hand: I confess it seems to me that the grand, spontaneous tributes which have been paid to him, have beggared the resources, while they have filled the measure, of panegyric.

We are not required to forget, nor do we disparage the living or the dead by remembering, that something of this may be due to the peculiar relations existing, at the moment, between the countries which divided Mr. Peabody's bounty and affections. A becoming spirit of manly conciliation, on the one side, and an equally becoming temper and pride of nationality, upon the other, have no doubt had their share in these unprecedented demonstrations. But there is nothing in this which detracts from the sincerity or impairs the significance of the homage that either has rendered. It is a new epoch in the history of governments, when the cavils of diplomacy and the mutterings of discord are hushed, even for an hour, by the spell of a good man's memory; and it were folly to dispute his place among his kind, whose death so touched the hearts of two great nations, that either could call unto the other to join hands with it across his grave.

But while these things, as I have said, appear to render eulogy idle, they are equally potent, in making just appreciation difficult. Through so much that dazzles, it is not easy to look, steadily and calmly, at the simple life and story which had so bright an ending. The quiet, systematic habits, the delving industry, the thrifty shrewdness and world-wisdom, the unsentimental benevolence, of the plain, practical merchant and banker who walked among us, like others in his calling, are hard to deal with, fairly, at this epic stage of his renown. It seems like belittling the subject to consider it in the mere light of its realities. Indeed it requires an effort, at such a time, for the coldest thinker to divest himself of that enthusiasm whose natural expression is extravagance; and nothing but a sense of the great wrong which exaggeration would do to a memory so far above it, could persuade a man of ordinary impulse that it is proper to moderate his words. Nor is it only the contagion of the hour of homage which it is difficult to escape. There is something splendid and attractive in generosity, in all its forms; and when its scope embraces the larger needs of humanity, and its resources are almost as ample as its scope, it carries feeling and imagination away captive. We surround the life and the memory of the "cheerful giver" with a halo such as glitters only around consecrated heads. The wonder of the crowd is almost worship; and men deem it half a sacrilege to seek, in merely human qualities, "the conjuration and the mighty magic" which seem so far beyond humanity. And yet, to do this only is our duty here to-day. We have come to recognize and study, in the common light, the traits of the man and citizen, George Peabody; to consider and teach, if we

can, the moral of his simple, unheroic life. We are to look at him, as he moved and had his daily being,—as if his features did not live in bronze and no minute-gun had ever told his burial to the sea. Nay, it is our business to take from the record of his career all that tends to impair and falsify its lesson, by making men despair of rising to his level. Here, above all other places; with the sound of his own sturdy teachings scarce dull upon our ears; with his simplicity and modesty—his good fellowship and plain dealing—fresh in our remembrance and affection; with all things round about us full of what he was and of all he claimed or cared to be; we should insult his memory by attempting to add an inch to his stature. And indeed there is small need of fancy in dealing with his story, for scarce anything in fiction is more strange than the actual prose of it. The child of poor parents and humble hopes—a grocer's boy at eleven, the assistant of a country shop-keeper at sixteen—he had reached but middle-life when he was able so to deal with the resources of the great money-centre of the world, as to prop, with his integrity and credit, the financial decadence of whole commonwealths. Pausing even at that point of his career—a period to which in Maryland our gratitude so frequently recurs—is it not more wonderful than the legend which delighted our childhood, the tale of Whittington, citizen and mercer, thrice Lord Mayor of London? Was it not quite as easy, beforehand, for our stripling to imagine that he heard, across the waters, an invitation from Bow Bells to him, as to conceive that his statue would be raised in London streets while yet he lived, and be unveiled, with words of reverence and honor, by the heir-apparent of

that mighty empire, surrounded by its best and noblest? Add to this what I have before described, and it seems as if another night had been added to the Thousand and One.

But, as I have said, our business is not with the wonders. It is with the mind, the heart, the will, the character which wrought them. These were the only genii of this story. They, and they only, did what was done, and neither ring nor lamp had any part in it. "No man," Carlyle tells us, "becomes a saint in his sleep;" and there is no greater fallacy than the popular notion which so often attributes success, in great things, to luck. There are people, it is true, who stumble into prosperity and get place and power, by what, to mortal eye, seems chance. Reputation and the honors and profits which follow it are now and then wafted to a man, like thistle-down, for no better visible reason than that he happens to be out in the same wind with them. The crowd attach themselves often, and cling with devotion, to some singularly favored person, as burrs do to his clothing, simply, as it would appear, because he walks among them. But what seems does not necessarily represent what is; and a man must be hard to convince, if, after having used a microscope once, he be not satisfied for life, that things exist and are comprehensible though he may neither see nor understand them himself. What therefore may appear to be exceptions to the general truth, that great results do not spring from insufficient causes, are commonly found to be strictly within it. In the course of any long life-time, the logic of cause and effect is apt to vindicate itself. In this busy, stirring, jostling, interested modern society of ours, where scarcely any one occupies a pedestal—or even an humbler place—but some one else goes

anxiously to work to dislodge him and get there in his stead, we seldom find respect or deference, love or admiration, long yielded to a brother, unless there be that in him which commands them. The world may dally with its impostors and its charlatans—its trumpery great men, sham heroes and mock saints and sages—for a little while, but they finally go down, for the most part, into the receptacle—the huge Noah's Ark—of its spurned and worthless playthings. The winds of time and contest blow away the chaff, at last, from the great grain-floor of humanity—a blessed fact, by the by, which reconciles us to many tempests. Hemisphere does not cry aloud to hemisphere about common people. Nations do not mourn over men who deserve no tears. There was then something in George Peabody, or about him, that called for the homage which has been rendered him. What was it?

Not his intellect, certainly—for neither in capacity nor cultivation was he above the grade of thousands of clever men, both here and in England, in his own and kindred callings. He had not genius to dazzle, or invention to create. He had made no discovery in science, or even in finance. He knew little of art, and had contributed nothing to the stock of what is denominated "human knowledge." Statesman he was not—nay, not even politician. He had never worn spur on battle-field: had never filled office, or wielded power, or sought to be any man's master but his own. There was not, I repeat, a single element in him or circumstance in his career, of those which enter into the common estimate of greatness. Neither did riches win his name for him. He was no monopolist, no miracle, of wealth: for enormous private fortunes are now constantly acquired, in half such a life-time as

his, and the great marts of the world have men far richer than he, whose accumulations have been gathered just as honestly, just as fortunately, and with quite as much sagacity as his. Nor does he stand alone in the appropriation of large means to the good of mankind. The number of rich men whose testaments dispense the hoards of a life-time in works of usefulness, is very large. The past has left us many well-known and abiding monuments of such beneficence. True, there is a smack of death-bed repentance, as well as bounty, in these gifts; a confession, at best, of intentions good but reluctant and long smothered by human infirmity. We cannot help feeling that they sometimes are very much, in kind and motive, like the *obolus* which used to be placed between the lips of the dead, to pay for their safe ferrying across the infernal waters. But still, they clothe the naked, feed the hungry, comfort the sick, educate the poor—relieve, in all sorts of ways, the necessities and afflictions of humanity—and those who dispense them deserve well of their race. Though the good works which "blossom in their dust," might have yielded more fragrance under the culture of their hands, they are good works notwithstanding, and should be remembered with charity not less than gratitude—as they commonly are. But the liberality of rich men is not always posthumous; and in the mere fact of giving and giving largely, in his life-time, Mr. Peabody was by no means singular. The world is full, I was going to say—though that perhaps is stating the case too strongly—of people who habitually give. They certainly are no rarity in it. Most of us give freely, to those we love—to our own flesh and blood, at all events. They who do not, belong, I think, to the class whom Burns charac-

terizes as, "the real hardened wicked," and it is wholesome to persuade ourselves that they are likewise "to a few restricked." When Thackeray says, somewhere, that he never saw a fine boy, but he felt like giving him a guinea, he does not, I am sure, exaggerate the natural impulse of every healthy and manly heart. There are many to whom this sort of impulse is a general, spontaneous, and often fatal rule of life. Some indeed—and a large class—give because they cannot help it. Giving, with them, is almost a pleasure of sense. It is the natural expression of a feeling, as weeping and sighing are with others. It is at once the voice and the tear of their sympathy. The heart sends its quickened pulsation directly to the hand, which only fetters could keep from the purse-strings. And this, too frequently, without check of prudence, or choice of object, or thought of to-morrow. We are apt to admire and indeed to love these people; for, to the common apprehension, the pleasure and advantage of keeping money are so striking, that to part with it, freely, passes for a sacrifice. And yet, obviously, they may be just as self-indulgent, in their way, as their next-door neighbor, whose heart is always in his burglar-proof safe and his hand never, except to increase or count his store. It may be their pleasure to scatter, as it is his to save; and they may consult nothing better than their pleasure, as he pursues nothing better than his. Sir Thomas Browne calls their's "but moral charity, and an act that oweth more to passion than reason." And he adds, in the same strain, that "He who relieves another, upon the bare suggestion and bowels of pity, doth not this so much for his sake, as for his own; for by compassion we make other's misery our own, and so by relieving

them we relieve ourselves also." Happily, the common heart is not quite so ingenious or so analytical as this; but contents itself with feeling, that though the bountiful and the miser may be selfish, in their several ways, the one selfishness is still a better thing than the other. Indeed there is almost always something, in these heedless natures, which redeems the sin of their improvidence and self-indulgence; and although, when waste makes want, they have often to eat husks in sorrow, and wait on those who are to them but swine, we cannot help thinking, sometimes, that they belong to that class of prodigals for whom a fatted calf will be killed, one day, when they will eat and drink, and be as merry as the hundreds they have fed in their time. To this kind of givers, our experience must add that other and familiar class, who part with money readily, because they are incapacitated, by nature, from feeling its value. I say feeling—because the processes of the heart are so much quicker than those of the head, that it profits a man very little, in these matters, only to understand and know. The battle is generally lost, in such case, before the reserves come up. But how many people, especially women, are we not acquainted with—every one of us here,—whose whole existence is a mission of beneficence; who know and feel the worth of money, and yet spend it on others without stint; with whom the poor, as Béranger has it, are harvesters, not gleaners; whose hands are as open as the prodigal's and yet never waste; in whom the love of giving is so chastened by the love of the Great Giver, that they dispense their bounty as His alms, and make of charity a very worship? These however are the silent and humble Samaritans of the highways and by-ways, who, for the most part, are only fol-

lowed by individual gratitude or personal affection. They do not amass fortunes, or make testaments, or have statues erected to them. The great world knows little about them and, as a whole, cares little; for though they are no trifling element in its economy, they seem so, to the thoughtless, in the broad scope of an economy so large.

If I am right then in supposing that the secret of Mr. Peabody's fame is not to be found in the mere fact of his having given, and given freely, in his life-time, to good objects, where else are we to look for it? Not, surely, in the magnitude of his benefactions. It were shame to judge him by a standard so vulgar and unworthy. It would not only be to scandalize his memory, but to throw away the whole moral and lesson of his life. The homage which is rendered to the givers of great gifts, merely because their gifts are great, is but parcel of that deification and worship of wealth, which is the opprobrium of our times. When this comes in the shape of a tribute to the dead, it is, of course, comparatively free from the personal servility, the self-abasing deference, the mean genuflections, which pay court to the living rich. But it is the same ignoble thing, in its motive and essence, though the sables be wrapped around it, and what men knelt to before may have become as the dust in which they knelt. And just as royalty succeeding is studious and exigent of pomp and splendor, in the obsequies of royalty dead, so, and for the same reason, wealth surviving exaggerates the dignity of wealth departed; and those who adore and would propitiate the one, crowd to canonize and glorify the other. To deal in such a spirit with the man whose birth-day we commemorate, would be to degrade ourselves and crush him, basely, like

Tarpeia, with the weight of his own gold. It is the very fact that a million more or a million less would have counted but as a farthing, either way, in the just estimate of his purposes and character, which makes the rare nobility and worth of his example. Without the millions we might perhaps have had less of the pageant, but we should have had none the less of the man. Eleven years ago, it came within the province of the present speaker, on a public and interesting occasion, to illustrate the theme before him by an allusion to Mr. Peabody, who had then taken but the earliest steps in the career of his open beneficence. You will pardon, I hope, the repetition of what was then said, because it puts in a few words precisely the idea which I desire, at this moment, to express; and having been written in advance of the later and more famous charities of our Founder, it will show that those who knew and respected him, then, esteemed the source from which his good deeds sprang, far more for itself than for its fruits. The language then used, was the following:

"When I see a man like George Peabody—a man of plain intellect and moderate education—who is willing to take away from the acquisitions of successful trade, what would make the fortunes of a hundred men of reasonable desires, and dedicate it to the advancement of knowledge and the cultivation of refining and liberal pursuits and tastes, among a people with whom he has ceased to dwell, except in the recollections of early industry and struggle—I recognize a spirit which tends to make men satisfied with the inequalities of fortune—which is alive to the true ends and purposes of labor—which gives as well as takes—which sees, in the very trophies of success, the high incumbent duties and the noble

pleasure of a stewardship for others. And yet, one such man—in himself—in his life and the example which it gives—is worth tenfold more to a community, than all the beneficence of which his heart may make him prodigal."

Feeling and believing this, I should be false to my own conception of the honorable duty assigned to me, if I did not protest against regarding what is called the "princeliness" of Mr. Peabody's munificence, as other than an element entirely subordinate, in any just and manly appreciation of his character. And indeed, after all, I must own that the large bounty of ordinary rich men does not impress me, always, as it seems to strike many others. Liberality is a relative thing; and, obviously, what is generous and whole-souled in one person, viewed in its relation to his means and his own wants, may, in the same relation, be niggardly or narrow in another. The good that giving does may be the test of its value, but certainly is not of its merit. That is best determined, humanly speaking, by what it costs the giver to give. I do not mean what it ought not to cost—the agony which miserly reluctance suffers, in parting with a fragment of its hoard, under the torture of entreaty or the dread of shame or death; but that cheerful, conscious and deliberate self-sacrifice, which renders the mite of the widow more precious, a thousand fold, than the gold and frankincense and myrrh of the Magi. I speak of self-sacrifice, for (with a single and melancholy qualification which I shall presently consider) it is hard to understand how there can be much merit in the simple act of giving to others what we do not ourselves need. On the contrary, it is difficult to conceive what greater pleasure a rich man could possibly have in his wealth, than that of pouring out its superabundance in

works of kindliness and charity. It is not meant by this to set up a very high standard. I am not talking of disciples, who are to part with all that they possess and follow their Master. It is not a question of surrendering one single reasonable, or even luxurious, personal gratification. I speak of superabundance merely—of that which is over and above what the owner, in any reasonable way, can expend upon himself, his comforts, his tastes, his luxuries, nay, if you please, the vices of his station. But—all these things reserved and cared for—and treating the disposition of the surplus as a selfish gratification merely, and as nothing higher or better, it seems, I repeat, incomprehensible to a genial—I need not say a generous—nature, that a man can possibly get greater happiness out of it than must come from dispensing it in kindness. Gonzalo De Córdova, of Spain, the Great Captain, was one of those who held this faith. "Never stint your hand"—he said to his steward—"there is no mode of enjoying one's property like giving it away." It is true the illustrious soldier may have occasionally treated as his property what did not precisely belong to him; but his preaching was none the worse for this, because his practice with his own came nobly up to it. Going a little more deeply too into the vanities as well as the virtues which this discussion involves, Lord Lytton says, with great point, in one of his more serious works, that "Charity is a feeling dear to the pride of the human heart. It is an aristocratic emotion . . . the easiest virtue to practice." There is no doubt that in the sense in which he speaks of charity, the observation is as just as it is clever. If a rich man covets respect and influence; if he desires to attract sympathy and hear himself praised; to be

looked up to, flattered, followed and caressed in life, and have an epitaph, after it, like a player's good report—deserving none of these things, the while—there is no cheaper or more certain means of securing them all, than a few judicious investments of his abundance in what ought to be charity. When he purchases, at the same time, by the same outlay, the pleasure of doing good and the incense of gratitude, one cannot feel that the cross which he has taken up is a very heavy one, or that he walks upon celestial heights above the hearts of common men.

If I am right then, in assuming that the lesson of our Founder's life lies not in that he gave, or gave before he died, or gave superbly—nor, indeed in all these things combined—what is there left that teaches it? We must turn back upon the life itself, to give us answer.

Mr. Peabody was not a man of gushing sensibilities, nor did he belong, in any sense, to that class who are free with money because they do not know or feel its value. Indeed there were few of his contemporaries, in whom this latter element of generosity was less developed. He knew all about money, and valued it at its full, current worth. He knew it, as a man knows a friend and ought to know an enemy. That his nature was genuinely kind, all who were near him would have known—as well as they know it now—if he had died a bankrupt. His face, alone, told that part of his story, for his smile was of the sort men cannot counterfeit—

> "His eyes,
> An outdoor sign of all the good within,
> Smiled with his lips."

But his sympathies, nevertheless, were not coined, at sight of need, into money. He began life with none of it to give, or even to keep. He was very poor. What he gained, he toiled for, and it came painfully and slowly. He said the prayer for his daily bread, as we are told none but a poor man's child can say it, and he was willing to do anything honest and manly to turn the penny that he needed. Even after he had been established for some time in the District of Columbia, and his prospects had very much improved, I learn from a venerable friend, Mr. Peabody's senior (whose memory, like the rest of his fine faculties, appears only to brighten with age), that he offered to forward packages to Baltimore, and appealed to the public for their patronage. As he had no capital, his enterprise could have been but a small one, probably involving nothing but his personal attention; and I allude to it, merely to show that he was not only content, at that time, but anxious, to earn small sums in a small way. Naturally too, he was no doubt equally disposed to keep what he earned. Overboard at sea and compelled to sink or swim, it was not strange that he should feel the importance of making his own raft sea-worthy, before he pushed away a plank that he could hold. Besides, he was eminently a man of thrift. He came into the world with it, and he drew it in from the atmosphere into which he was born. He liked to make, and to save, and to increase his store, and he liked the store itself, after it was increased—the more the better. Money-making was a pleasure to him, as well as an instinct of his nature. Clearly, these circumstances were not favorable to the development, in him, of Gonzalo De Cordova's doctrine. He was a man of the busiest industry too, and had no fancy for drones—

thinking possibly, as we are all apt to think, when prosperous, or when health and energy and strength are bounding in us, that no man need want who will work. Besides, he was full of system and fond of detail, two mighty curbs upon the imagination. Under all these influences he pursued, as he began, a saving, painstaking, careful life, and when he had become rich, these characteristics had grown with his fortune. His case was precisely the reverse of that described in the Castilian proverb, which says—"The money of the Sacristan comes singing and goes singing." His habits therefore continued, as they always had been, simple and frugal. His desires had not grown with his ability to indulge them, nor had his tastes. Neither had the pride of purse entered, with its seven other devils, into his robust and downright nature. He was the same man that he had always been—only richer. And when still greater wealth came to him, by the rapid processes of speculation, it had no power to dazzle him or make him giddy. He looked after it, invested it carefully and closely, increased it to the best of his ability, and enjoyed, as keenly as his fellows, the pleasure which these processes always bring to men who deal in money, and have that knack of handling it to profit, which is born in some, like poetry, but cannot be learned. Nor was he at all ashamed, so long as he remained in business, to promote its success by all honorable means. On the contrary, he took pains to do this. He was glad to make friends, and to see them grow into customers. He was as thrifty, in fine—as decided and constant in his business-purposes, and as close and systematic in promoting them—after he had become a great financial power, as when he ate his bread in the sweat of his face. Now and

then he seemed to forget all this. It were more accurate, to say that he pushed it aside, in the presence of higher considerations. When his patriotism or his national pride was touched, he did not let it stand for a moment in the way of his remembering and doing what became him, with a largeness of purpose and freedom of hand which showed that the manhood of his nature was still fresh and true. He threw into his labors for the restoration of the credit of Maryland, his soul as well as his fortune, and refused any compensation but the pleasure and the pride of the great good which he had assisted in consummating. He stood in the stead of his whole country, to save her from the shame of official neglect and meanness, when the Great Exhibition assembled the nations together. He speeded the brave enterprise of Kane on its mission of science and humanity, with a liberality and in a spirit of which there is reason to believe the whole story has never been told. Yet, all the while, he, himself, remained as of old, modest, moderate, economical and thrifty—living in lodgings, without retinue or luxury—not unwilling to save a farthing, if it came in his way—willing to go out of his way rather than waste or even lose one. He would still have his bargain, about the small thing as well as the great; and he would make men stand to their bargains and give him, in the way of business, the fraction that belonged to him. Imposition he resented and resisted, no matter how minute its form, and he would protect himself from it, if he had to cavil for his ninth part of a hair. A friend who knew him well and had his confidence, has told me, that one day, in London, after an interview in which they had discussed together his latest and most bounteous charities—when he was dispensing

millions with a stroke of his pen,—Mr. Peabody refused to take a cab, and insisted on walking, because the cabman they had called wanted more than his lawful fare. Thus, beneath the surface of his munificence, his large public sympathies, his generous patriotism, flowed on the old current of thrift, economy, closeness and money-loving. Perhaps, rather, the two streams ran side by side in the same bed, like the united waters of the Arve and Rhone—one earthy and bearing the stain of the earth, the other bright with the hue of the sky.

But there came a time, at last, when this busy, accumulating life, with its seemingly inconsistent traits and phases, was to be rounded into its final development and true expression. The elements of character which appeared so much in contrast with each other as scarcely to be reconciled, were to be shown working all the while harmoniously together. The man of calculation and acquisition—almost of greed, if you please—with all the habits and temptations which are commonly inseparable from the career of such, was of a sudden to rise up superior to them all, as if he had never known them—a head and shoulders higher than his seeming self. The man whose practical life had been mainly dedicated to saving, was to consecrate the rest of it to giving. The man who loved money and had lived in pursuit of it, was to reach that point—almost unattainable by humanity—at which he was to feel and say: "I have enough!" Such phenomena are developments, not changes. If Mr. Peabody's whole heart had been in money during the long years when he was "gathering gear," he could never, in his old age, have shaken off the golden fetters. The result showed which had been master and which servant, all the while. The fruit proved

the tree. And yet the fruit had in it much taste of the soil in which the tree grew. The system, the care, the prudence, which had gathered and preserved his wealth, were developed as well in its appropriation. In fact he made benevolence his business and dealt with it as such. Its merely sympathetic guise did not seem to attract him. At all events he did not yield greatly to its attraction. He did not grasp at the near pleasure which comes from the contact of present charity with present suffering. For his kindred he provided with generosity, yet without prodigality. His aims were wider and his sight went farther than would have been consistent with bestowing his wealth on individuals, no matter how much he prized them. He had not mounted upon a high hill, without having his horizon expanded. He saw humanity in the distance as well as beside him, and saw it was the same humanity, far off as near. Yet his extended vision rested where the mists began. It did not seek to penetrate the realms of unreality. He was not misled by any dream of reforming the world. The consciousness of being able to do something for mankind, and the desire to do all that he could, did not betray him into the folly of supposing that he could do everything. He was as far from being a schemer as if he had not the means of scheming. He was not imaginative, much less fanciful. He knew that wealth is the great lever of the world and that his hand was on it, but he had no notion that, with it, he could change the course of the planet. He had seen enough of what is commonly called "philanthropy," in his generation, and had no taste for it. Probably he had heard of Robespierre's early philippic against capital punishment, and knew the value of specula-

tive benevolence. He therefore did not lend himself or his money to the schemes of those excellent but somewhat self-engrossed and not very useful people, who think that society is like Pandora's box, with its great good at the bottom, and that the true way of getting at this, is to turn the whole upside down. The solitary blow, as far as I have seen, which malice has aimed at his memory, has come from a "humanitarian" quarter—as if to demonstrate the justness of his appreciation. Looking at human nature in the light of his own experience, and valuing most highly in it that healthy, vigorous, independence which was his own peculiar trait, he thought he could help his fellow-creatures best, by teaching them to help themselves. He likewise thought that, on the whole, more good was to be done by striking the evils of humanity at their root, than by providing for a few of their victims. These were the simple principles which guided the application of his bounty. He persuaded himself that cleanliness, industry and thrift are preventives of disease and poverty; that the vices which fester in the squalid den have no place in the decent and cheerful home—so, instead of founding hospitals and almshouses for London vagrants and paupers, he offered the attraction of cheap and comfortable dwellings to those who are willing to work. He believed that education, refining occupations, cultivated tastes, the study and the love of art and science are, next to religion, the great safeguards and purifiers of society, and accordingly he founded institutes, libraries, professorships, boards of education, to diffuse and encourage them among his countrymen. In all this, he followed the bent of his life—investing instead of spending. Nor did he follow the example of some founders,

who retain control over their foundations and deceive themselves into the belief that they are administering, what they are only unable to give up the pleasure of handling. He placed all that he gave in the hands of others—absolutely and without reserve. It was his honest and deliberate judgment that the best use he could make of the grain he had garnered was to turn it into seed, not food. So he chose his ground and planted, in the faith that future seed-time and oft-returning harvest would vindicate his choice, under His blessing who sends down the early and the latter rain.

Was this, it has been asked, as loving a use of his wealth, as if he had flung it into the palms of the needy? In one sense, of course, it was not. In another and a loftier one, it was far more so. If Mr. Peabody had dedicated his fortune and remaining years to personal alms-giving, and had sent out to the lanes and hedges for the weary and the wretched: if he had chosen for his almoners the institutions and associations which deal, from day to day with every-day suffering and sorrow, he would, no doubt, have swept a softer and a gentler chord of sympathy. We are flesh to each other, though we be spirits before God; and the sweet

> "music, to whose tone
> The common pulse of man keeps time,"

answers most tenderly the touch of a warm, human hand. Who can have read Lamb's exquisite "Complaint of the Decay of Beggars," without feeling that the very shifts and impostures of poverty have all the pathos of a tribute to the daily kindliness and goodness which walk among the poor? With his fortune and his purposes of good, if Mr. Peabody

had chosen, he might have had crowds follow him, as kings were followed when men thought their touch would heal. And few men, with his heart, and no man, with less high resolves than his, could have resisted so egregious a temptation. Nor, indeed, would it have been necessary he should do so, if all men were prepared, as he was, to give according to their means. It is the lack of such a disposition, in the mass of us, which calls on wise benevolence to stay its hand, and concentrate and organize its charities. If we were, to one another, all that we are commanded and ought to be, large fortunes would rarely be gathered and eleemosynary foundations would be superfluous. If every man did really look upon his neighbor as his brother, or love him as himself, the circle of charity would belt a happy world, and every private life would be an institution of beneficence. Why this great scheme of Christianity is not wrought out yet, or when it will be, we may not know. Society therefore must deal with its problems as it finds them, and think for to-morrow as well as for to-day. In fact, the very application of large private wealth to present purposes of charity, has its ill effects as well as good. There is a class of moral and most respectable people, who pay with absolute punctuality all the debts that can be recovered from them by law, but who do not recognize, with equal alacrity, the obligation of any others. They think they have done all that they are called to do, in behalf of education and charity, when they have paid the taxes levied for schools and almshouses. They are typified by Jeremy Taylor's "man of ordinary piety," whom he likens to "Gideon's fleece, wet in its own locks, but it could not water a poor man's garden." To these

worthy citizens, the benevolence of others appears only to come in aid of municipal contribution; and the larger its abundance the greater the justification they find in it for their unwillingness to give to any but the public collector, or to give to him any more than they cannot help. Why should they trouble themselves to take in the poor estrays of humanity, when there is room enough for them in the common pound which the public or some one else has provided? It is not worth while for society to shut its eyes to these and kindred considerations, and the wise and good who undertake to be its benefactors, must act for the world as it is, and subordinate sentiment to prudence and duty. They must look to the future and mankind, not less than to the present and the individual. And it is in this sense that their charity is the noblest of all, because it is the largest of all in its scope. It goes even beyond the love which has been beautifully described, as "not a spasm but a life." It imitates, with reverence, as far as man may imitate, the workings of that Supreme Beneficence, which guides by large rules the universal plan of its goodness. Nor does it recognize the less its relation to humanity. The human sympathy which wins a blessing from the way-side beggar is none the less heartfelt and human, surely, because it is expanded in purpose and through time, and is directed and informed by system and intelligence.

And here a thought presents itself, on which I cannot pause to dwell, but which appears not altogether barren of suggestion. Enormous capital is one of the phenomena—perhaps the mightiest engine—of our civilization. Vast fortunes are in many hands, private as well as corporate, and vastness is

the characteristic of all enterprises, good and bad. Side by side with this increase in wealth and the number of those who control it, is another phenomenon, almost as singular under the circumstances. I mean the great and general diffusion of competence and comfort, among the multitudes who are not rich—among those who labor with their hands, as well as those of more liberal pursuits. In this state of society, and regarding, comprehensively, the interests as well as the resources of the community at large, it is well worth considering whether the field of benevolence proper to be cultivated by the very rich, is not precisely that which Mr. Peabody selected, leaving the more personal and minor charities to minor fortunes. The distribution seems a wise one, if benevolence be not ashamed to learn from greed. If concentration of capital, which is power, has been found to serve the purposes of gain, it cannot less promote the nobler industries of loving-kindness.

But whether the disposition which Mr. Peabody made of his wealth was more or less genial or wise, has nothing to do with the spirit in which he parted with it. He dedicated it to ends which he honestly thought good. He directed it wisely, according to his best wisdom. Whether he was right, or was mistaken, in his modes or his ends, his riches at all events went away from himself. In the ripe maturity of a yet vigorous life and the unembarrassed control of a colossal fortune; at an age when the love of money is apt to seize upon those who have loved it least, and becomes the very existence of those who have always loved it; when, if men pause from struggling, it is to enjoy in tranquility the fruits of struggle; honored, respected, with every avenue accessible

to his ambition which popularity could open and every prize at his command which wealth could buy—(and what can it not buy?)—he deliberately converted his remaining years into a season of stewardship and surrendered himself to his kind. In the simple and touching language of the epitaph which commemorates the founder of the Charity Hospital at Seville: "He gave to them whatever he had." There is no record, that I know, of any man who, in like case, did likewise. Monarchs, it is true, have abdicated thrones, in the fulness of power. But, for the most part, it was a retirement from self in one form, into self in another. Satiety of pomp and pleasure—repentance of misdeeds—a weariness of strife and longing for repose—made them fling down their sceptres in the reaction of despair. The jaded soul yearned for deliverance and rushed into the shades for refuge. Those who have followed Charles into the cloisters of Yuste, will remember how the phantoms of empire still haunted the devotee at the altar. But the love of money is more absorbing and more abiding than even the love of power. Avarice may not always be a worse passion than ambition, but it is a lower one. Its poison may not be the deadliest to the moral nature, but it is as deadly as any, and is the most penetrating and pervading of all. Ambition is consistent with the noblest and most generous aims. Sometimes indeed 'tis but their splendid herald. Avarice is selfish only, and its selfishness is all meanness. It not only panders to self, but to all the basenesses of self-seeking. It dwarfs the intellect, chokes every generous impulse, rots every seed of human feeling, tolerates no passion even, that is not, like itself, a lust. It breaks, in fine, all links but one, and that the foulest, between

the miser and his species. What avarice is, the pursuit of money tends to. The monks of St. Francis expressed a great truth (though in what Bacon calls a "friarly" way) when they warned Rienzi that money was not to be trusted. "The purse of our Lord," they told him, "was committed to Judas. If it had been meant as a good thing, it would have been entrusted to St. Peter." Dealing with money—thinking of it, turning it over—as an exclusive occupation, men become as if under a demoniacal possession. And no fiend more fearful ever entered human soul, than the vice which turns hopes and affections, desires and aspirations, all, into self. How grandly Tennyson has taught us, lately, in "The Holy Grail," that all the heroism which ever sought earthly good or heavenly reward is powerless to win them, unless self be immolated on the altar.

> "Galahad, when he heard of Merlin's doom,
> Cried 'If I lose myself, I save myself.'"

Search the annals of men who have honored and blessed their race; look through the daily walks of lofty and of common life, of public service and of private toil; go round the circles of domestic love and happiness; and, everywhere, you find that the secret of one man's being held better than another, and more loved and worthy of love than another; the mainspring of men's permanent influence and real power over other men and crowds of men; is their capacity to withdraw themselves from self—to bestow heart and soul upon something outside of themselves; upon some other living creature; on friends, or country, or on all the creatures of God. Analyse every good thing we do, from great to small,

and that will turn out to be its essence. Self-sacrifice, in all its shapes, is made up of it. It speaks in a child's confession of a fault, and it flushed the cheek of Curtius as he leapt into the gulf. Patriotism is vapid hypocrisy, and the battle-field murder, without it. The divine blood which the Knights of Arthur sought after, with their swords and prayers, was shed as a type of it and to be a lesson of it, from on high, forever. And it is to this especial virtue, the root of all virtues and of all true manhood, that money-hunting and money-handling are essentially hostile and perpetually fatal. The hand goes on grasping and holding fast, till it parts with all power but that of grasping and holding. The heart and the muscles, alike, lose every function but that of contracting. When old Strahan, the printer, recalled to Dr. Johnson a remark of his, that "there are few ways in which a man can be more innocently employed than in getting money," he added, and with entire unconsciousness of the force of what he was saying, that "the more one thinks of this, the juster it will appear." Johnson, whose experience in money-getting certainly entitled his opinion to great weight, and who fully appreciated the justice of his own observations, appeared to think so too. And, in fact, it is the thinking of it which perverts the judgment and corrupts the heart. The more one thinks of it, the more he yields to it, and the less he is able to think of anything besides. Thus is it that we see, so often, the large designs, the long-considered plans, of men whose natures in themselves are kindly, made futile—sometimes simply despicable—by their incapacity to loose their hold upon the merest superfluities of fortune. Thus is it, that benevolence so often sinks into that "painted sepulchre of alms," a testa-

mentary bequest, and only the relaxation of the dying moment can open the clutching fingers.

It is this which I promised to consider, when I spoke, a little while ago, of the single and melancholy circumstance which made it otherwise than strange that rich men did not find, in giving, the highest pleasure and privilege of wealth. And it is because George Peabody was above all this: because he made himself a rich man, from poverty, without being corrupted by great riches; because the soil of his nature was so generous, that the very root of all evil sprang up to immeasurable good in it—it is for this that the world reverences him to-day. Not merely for the good he did, since that depended on his means and opportunities, and must depend, to a great extent, upon others hereafter—not for the magnitude of his offerings, for his wealth was but the platform which lifted his virtues into sight—but because he furnished an example, never known in the world before, of a man who united all the love of money, which makes men richest and most men meanest, with all the scorn of its dominion which burns in the noblest soul. To live a life of painful and painstaking acquisition: to wrestle with covetousness, while climbing from early destitution to the height of what a covetous heart could desire; and then to put his foot upon his gains and their temptations, like a gladiator on a wild beast vanquished—this is the spectacle which has made the world's amphitheatre tumultuous. Nor is the shout for the moment only, to be lost in the common noise. So long as men shall wrestle in the same arena and other men look on, it shall ring in the ears of the wrestlers and nerve them to win their fight. There is no death in victories like this, for such deeds of our

better nature partake of its own immortality. Men wonder, after long centuries, at the Diocletians and the Amuraths, who flung away the purple when it was the only symbol of power; and now that money is king over kings, they must remember, with greater admiration, the rich man who discrowned himself. In proportion to their admiration are the greatness and the lesson of his example.

And let us not forget how much the simple dignity of that example has added to its lustre. We are familiar with the honors which were tendered to Mr. Peabody—the tributes of national gratitude and popular affection and respect, which crowded, as it were, around him, in his later day. He knew their value fully—no man better. He knew it too well to be indifferent to them and he was too much a man to affect indifference. He felt that the kind, the almost affectionate words which the Queen of Great Britain addressed to him, were not merely the generous utterance of her own womanly and gentle thought, but expressed the feeling and opinion of a great and manly people, whose applause is almost fame. He cherished the sympathy and praise of his own country, as a man listens to the blessing of his mother. He loved approbation, like most men who deserve it, and its expression was the more welcome to him, because he knew it was deserved. Yet he was shaken from his poise by neither praise, nor gratitude, nor honors. He was unchanged, as if his right hand had not heard of the doings of his left. He passed under the arches, without a thrill or a gesture of triumph, and his life, after, was as his life before. In all that he has made us proud to remember, we can remember nothing more proudly than this.

To such a life there could be but a fitting close:

"His twelve, long sunny hours
Bright to the edge of darkness; then the calm
Repose of twilight and a crown of stars!"

Having thus given, imperfectly I know, but to the best of my ability and with all the fulness which the occasion will permit, my honest though humble judgment of the life and character of Mr. Peabody and the great moral taught by his career—having striven, above all things, to speak of him nothing but the truth—I should feel that my duty was discharged, if I stood anywhere save where I am. But here, in Baltimore, upon the soil of Maryland, in the presence of so many of her citizens and their official representatives assembled in his honor; surrounded, on his birth-day, by his old companions, by the memories of his devotion and the tokens of his bounty; I feel that there is something more, which should not go unsaid. I care not to speak of the resources he placed at our disposal for the education and improvement of our people, nor even of the signal service he rendered to the State in the days of her financial weakness and humiliation. What we owe him, for these things, need not be told. Our sense of their value is written in grateful words on our Legislative records; and they are part of our history, as they will be of our remembrance, for ever. But the good-will which prompted them, and which cannot be measured, should not pass unacknowledged to-day. We are proud of that confidence in the rectitude of our people, which made him our champion, before the world, when some of the best and wisest among ourselves had fallen

away from their faith in our honor. We rejoice, for his sake not less than for our own, to have proved that his confidence was just—to have aided him in vindicating the lofty principle of his life, that to think well of mankind is wisdom. We recall, with tenderness, the attachment he felt for our City, as "the home of his early business, and the scene of his youthful exertions." We give him back the sympathies which distance and time could not weaken in his bosom nor prosperity efface. We cherish the feeling that he was one of ourselves—that if he had given away his heart, as dying kings give theirs, he would have sent it to be buried among us. We cling to his fame and his example as part of our own heritage, and to the brotherhood which was between us, as even dearer than his fame.

But other considerations, belonging to this place and this occasion, press upon me yet more engrossingly than these. There is an Eastern story, of a man who could bear a thousand pounds weight, but a single hard word was too heavy for him; and there are times when to hush that word and say a single one of kindness, is the grandest act and the richest gift of charity. Upon this very spot—it seems but yesterday, though years and death have come between—I heard Mr. Peabody pour out his heart, on the occasion to which I alluded in my opening. How what he said affected others, they knew best, but thinking and believing of him, truly, all that I have sought to say, I own that I have felt and said it twice as warmly, in memory of that day. He had lived among us, a Northern man among a Southern people, loving and beloved. He had left us happy and united—he returned to find us sullen and divided. The wounds of our then recent

civil strife were yet unhealed. Political antagonisms, social resentments, personal and even domestic animosities, were still rankling, and it was next to impossible for any man to speak, without offence to some one whom he cared for, of what brooded so ominously over the hearts of so many. But Mr. Peabody felt that his opportunity was great for good, and that opportunity made duty. He took the chances of offence, and spoke what was in him, like a man. While he proclaimed that his sympathies had been always with the Union and his hopes with the success of its armies, he dared to proclaim, at the same time, his respect for the integrity and manhood of the vanquished. He traced and recognized, with the philosophy of truth and kindness, the influence of birth and education on opinion. He braved the censure of zealots, on the one side, by dealing with the convictions of the South as error, he braved it equally, upon the other, by a manly protest against confounding such error with crime.

"Never, therefore," he said, "during the war or since, have I permitted the contest, or any passions engendered by it, to interfere with the social relations and warm friendships which I had formed for a very large number of the people of the South. . . . And now, after the lapse of these eventful years, I am more deeply, more earnestly, more painfully convinced than ever, of our need of mutual forbearance and conciliation, of Christian charity and forgiveness, of united effort to bind up the fresh and broken wounds of the nation."

I know of more than one estrangement which those noble words of his reconciled. I know of more than one bosom, in which they dried the waters of bitterness—more than one

fountain of tears, long sealed, which they opened. Time will be, when men shall wonder that such counsels could ever have been needed, and more will be the marvel that even passion did not blush to deny them welcome. Here, where he uttered them, and standing almost in his presence, I do them grateful reverence. And when I think how the charity from which they sprang went out into the desolate places of war; how it poured its treasures into kindly and trusted hands, that they might minister to the higher needs of our crushed and helpless kindred; I seem to see a light around the good man's image, more radiant, tenfold, than the sunbeam which flashed across the Abbey to his pall. These crowning acts of his whole life—its

"bright consummate flower—"

gave all that was needed, of fulness, to its lesson, and all that could be added, of greatness and beauty, to his example. He had taught us that brilliant qualities of intellect or character are not indispensable to make men useful or honored, and that the real benefactors of their kind are not they at the sound of whose name the world stands still. He had shown how the humble and the poor may lift themselves among the great ones of the earth, by industry, integrity and independence, and how the rich may keep above their riches, by clinging to the treasure of their souls. He had taught how the simple dignity of manhood may rise superior to rank and station, and that all the grandeur of power lies only in its uses. He had ennobled wealth by his touch, as knights give knighthood, and established as the canon of its primogeniture that humanity is its first-born. It was only left for him to show

to his own brethren, that men may love their country without intolerance, may fight her battles without hate, and be conquerors without revenge.

The blessing of the peace-makers be upon him and his memory!

LEGAL SPECTATOR & MORE

Jacob A. Stein

The Magazine Group
Washington, D.C.

WRITING LIKE OLIVER WENDELL HOLMES

I cannot pass the window of an antique shop that has old fountain pens in the window without going inside to see whether the pens really work. If there is one I like and the price is right, I am in danger of buying it.

Why would anyone have such an interest in old fountain pens? I have no decisive answer to the question. In my case it may be a desire to get even with those days when I wanted a good fountain pen, a Parker or a fancy Waterman, and I did not have the money to buy it. I only had fifteen cents to spend in the five and ten cent store that carried Wearevers, which leaked all over my hands and into my pocket.

Fountain pens were pushed aside by the disposable ballpoints and felt points that flooded the market in the late 1940's. In the last fifteen years fountain pens returned and Waterman and Parker and Montblanc do a good business.

A year ago a pen caught my eye in a Boston antique shop. The fountain pen was old but well preserved. When I asked to see

the pen, it was brought from the window display case and placed carefully on a square of green velvet. I unscrewed the cap and held the point up to the light. Each of the two divisions of the pen were even and in line. The nib was in good order. The salesman pointed out that the pen had been given a new valve and ink chamber and could be used for everyday writing. I turned the barrel in my fingers as one would a fine Havana cigar. When I did, I noticed initials on the pen. I held the pen a little closer to see if I could read the initials. When I did this, the salesman said: "You see the initials." I said, "Yes, but I can hardly make them out."

He became confidential and lowered his voice. "Do you know whose initials they are?"

"No, whose are they?"

"Those are the initials of a famous judge."

I said, "The initials seem to be OWH. Are those the initials of Oliver Wendell Holmes?"

"That was the Justice's pen," said the dealer.

He had me. We talked price for a while and then I bought the pen. I asked if there were other things he could show me that had belonged to OWH. He said the other things had been sold. He put the pen in tissue paper, placed it in a small box, and handed it to me, and out I went into the street with a most interesting possession.

I have the two-volume set of Holmes's letters to Sir Frederick Pollock. When I arrived home I took down the books. I drew ink into the pen. I turned to the Holmes letter dated October 13, 1921, in Volume II of the Holmes-Pollock letters. It is on Supreme Court stationery. Holmes refers to Frederick Pollock's letter of September 26, 1921. In that letter Pollock teases Justice Holmes about his handwriting. Pollock says the endings of some of OWH's words require special attention to decipher. Pollock

also suggests that OWH's script is a bit too studied and elegant. OWH was proud of his penmanship. In his letter to Pollock OWH defends his penmanship. He rejects the implication that time spent on trifles such as penmanship could be better spent on substantive matters. OWH's guiding principle was that whatever one does must be done well.

I wondered whether Holmes was right-handed or was left-handed, as I am. With a little practice I wrote a few words in the elegant Holmes handwriting style. My experiment gave evidence that the pen I held in my hand could very well have been the pen Holmes used to write his October 13, 1921, letter.

Further corroboration was to follow. When I wrote legal memoranda with the pen it would write no redundant phrases. If there was ambiguity in what I was writing the pen refused to move. The pen would write no citation more than ten years old. Whenever I wrote the word "speech" the pen, on its own, wrote "The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic." In writing personal letters the pen was relaxed and informal. The pen resisted personal disclosures. It was comfortable writing about books, philosophy, and the little we can ever know of this puzzling universe in which a man with pen and paper plays such an insignificant role.

Anyone who collects fountain pens is aware that the pen you do not want to lose is the very pen you do lose. And that is what happened to the OWH pen. I attended a meeting where complicated releases and agreements were passed around and signed by lawyers and clients. One of the persons in the signing ceremony kept looking at my OWH pen. I made the mistake of talking about it. I knew when I boasted of my possession that bad luck was to follow.

When the meeting was over I returned to my office. I had letters on my desk to be signed. I reached into my coat pocket for the OWH pen. Not there and not anyplace else. I panicked. I reconstructed where I had been. I made telephone calls. All to no avail.

I am trying to get over the loss of that pen by persuading myself that it was a counterfeit. When next in Boston I will return to the antique shop. Perhaps I will discover that the dealer has an unlimited supply of old pens with OWH scratched into the barrel. But is it really of importance whether it was the real thing or only a fake, whether it was the real turtle soup or only the mock? I had the pleasure of writing a few sentences guided by the spirit of OWH.

I believe I know the person who has the pen. And if that dignified gentleman who was at the meeting when the pen disappeared, the dignified gentleman who kept talking about the full-length Holmes portrait at The Law School, the dignified gentleman who was wearing the dark blue suit and the light brown shoes, if that overly dignified gentleman reads this and the pen is returned, let me say that ends the matter, and no questions asked.

Jacob Stein took part in the Bar Library Lecture Series on January 21, 2009 with a presentation on “Perjury, False Statements & Obstruction of Justice.” Generous with his time, Mr. Stein was generous in other ways as well as indicated by the language in the preface to the third volume of Legal Spectator from which the following was taken. Mr. Stein wrote "This book is not copyrighted. Its contents may be reproduced without the express permission of, but with acknowledgement to, the author. Take what you want and as much as you want." The works featured in the Legal Spectator, originally appeared in the Washington Lawyer, the American Scholar, the Times Literary Supplement, the Wilson Quarterly, and the ABA Litigation Section's publication. I

want to thank former Bar Library Board of Director Henry R. Lord for his time and efforts in reviewing the writings of Mr. Stein for inclusion in the *Advance Sheet*.