

The Project Gutenberg Etext of the Memoir of John Lothrop Motley, v2  
by Oliver Wendell Holmes, Sr.  
#12 in our series by Oliver Wendell Holmes, Sr.

Copyright laws are changing all over the world. Be sure to check the  
copyright laws for your country before downloading or redistributing  
this or any other Project Gutenberg file.

We encourage you to keep this file, exactly as it is, on your own disk,  
thereby keeping an electronic path open for future readers.

Please do not remove this.

This header should be the first thing seen when anyone starts to  
view the etext. Do not change or edit it without written permission.  
The words are carefully chosen to provide users with the information  
they need to understand what they may and may not do with the etext.  
To encourage this, we have moved most of the information to the end,  
rather than having it all here at the beginning.

**\*\*Welcome To The World of Free Plain Vanilla Electronic Texts\*\***

**\*\*Etexts Readable By Both Humans and By Computers, Since 1971\*\***

**\*\*\*\*\*These Etexts Were Prepared By Thousands of Volunteers!\*\*\*\*\***

Information on contacting Project Gutenberg to get etexts, and  
further information, is included below. We need your donations.

The Project Gutenberg Literary Archive Foundation is a 501(c)(3)  
organization with EIN [Employee Identification Number] 64-6221541  
Find out about how to make a donation at the bottom of this file.

Title: Memoir of John Lothrop Motley, v2

Author: Oliver Wendell Holmes, Sr.

Edition: 10

Language: English

Character set encoding: ASCII

Release Date: December, 2003 [Etext #4726]  
[Yes, we are more than one year ahead of schedule]  
[This file was first posted on March 7, 2002]

The Project Gutenberg Etext of the Memoir of John Lothrop Motley, v2  
\*\*\*\*\*This file should be named oh12v10.txt or oh12v10.zip\*\*\*\*\*

Corrected EDITIONS of our etexts get a new NUMBER, oh12v11.txt  
VERSIONS based on separate sources get new LETTER, oh12v10a.txt

Project Gutenberg Etexts are often created from several printed editions, all of which are confirmed as Public Domain in the US unless a copyright notice is included. Thus, we usually do not keep etexts in compliance with any particular paper edition.

The "legal small print" and other information about this book may now be found at the end of this file. Please read this important information, as it gives you specific rights and tells you about restrictions in how the file may be used.

This etext was produced by David Widger <widger@cecomet.net>

[NOTE: There is a short list of bookmarks, or pointers, at the end of the file for those who may wish to sample the author's ideas before making an entire meal of them. D.W.]

JOHN LOTHROP MOTLEY.

A MEMOIR

By Oliver Wendell Holmes, Sr.

Volume II.

XVI.

1860-1866. AEt. 46-52.

RESIDENCE IN ENGLAND.--OUTBREAK OF THE CIVIL WAR.--LETTERS TO THE LONDON "TIMES."--VISIT TO AMERICA.--APPOINTED MINISTER TO AUSTRIA.--LADY HARCOURT'S LETTER.--MISS MOTLEY'S MEMORANDUM.

The winter of 1859-60 was passed chiefly at Oatlands Hotel, Walton-on-Thames. In 1860 Mr. Motley hired the house No. 31 Hertford Street, May Fair, London. He had just published the first two volumes of his "History of the Netherlands," and was ready for the further labors of its

continuation, when the threats, followed by the outbreak, of the great civil contention in his native land brought him back from the struggles of the sixteenth and seventeenth centuries to the conflict of the nineteenth.

His love of country, which had grown upon him so remarkably of late years, would not suffer him to be silent at such a moment. All around him he found ignorance and prejudice. The quarrel was like to be prejudged in default of a champion of the cause which to him was that of Liberty and Justice. He wrote two long letters to the London "Times," in which he attempted to make clear to Englishmen and to Europe the nature and conditions of our complex system of government, the real cause of the strife, and the mighty issues at stake. Nothing could have been more timely, nothing more needed. Mr. William Everett, who was then in England, bears strong testimony to the effect these letters produced. Had Mr. Motley done no other service to his country, this alone would entitle him to honorable remembrance as among the first defenders of the flag, which at that moment had more to fear from what was going on in the cabinet councils of Europe than from all the armed hosts that were gathering against it.

He returned to America in 1861, and soon afterwards was appointed by Mr. Lincoln Minister to Austria. Mr. Burlingame had been previously appointed to the office, but having been objected to by the Austrian Government for political reasons, the place unexpectedly left vacant was conferred upon Motley, who had no expectation of any diplomatic appointment when he left Europe. For some interesting particulars relating to his residence in Vienna I must refer to the communications addressed to me by his daughter, Lady Harcourt, and her youngest sister, and the letters I received from him while at the Austrian capital. Lady Harcourt writes:--

"He held the post for six years, seeing the civil war fought out and brought to a triumphant conclusion, and enjoying, as I have every reason to believe, the full confidence and esteem of Mr. Lincoln to the last hour of the President's life. In the first dark years the painful interest of the great national drama was so all-absorbing that literary work was entirely put aside, and with his countrymen at home he lived only in the varying fortunes of the day, his profound faith and enthusiasm sustaining him and lifting him above the natural influence of a by no means sanguine temperament. Later, when the tide was turning and success was nearing, he was more able to work. His social relations during the whole period of his mission were of the most agreeable character. The society of Vienna was at that time, and I believe is still, the absolute reverse of that of England, where all claims to distinction are recognized and welcomed. There the old feudal traditions were still in full force, and diplomatic representatives admitted to the court society by right of official position found it to consist exclusively of an aristocracy of birth, sixteen quarterings of nobility being necessary to a right of presentation to the Emperor and Empress. The society thus constituted was distinguished by great charm and grace of manner, the exclusion of all outer elements not only

limiting the numbers, but giving the ease of a family party within the charmed circle. On the other hand, larger interests suffered under the rigid exclusion of all occupations except the army, diplomacy, and court place. The intimacy among the different members of the society was so close that, beyond a courtesy of manner that never failed, the tendency was to resist the approach of any stranger as a 'gene'. A single new face was instantly remarked and commented on in a Vienna saloon to an extent unknown in any other large capital. This peculiarity, however, worked in favor of the old resident. Kindliness of feeling increased with familiarity and grew into something better than acquaintance, and the parting with most sincere and affectionately disposed friends in the end was deeply felt on both sides. Those years were passed in a pleasant house in the Weiden Faubourg, with a large garden at the back, and I do not think that during this time there was one disagreeable incident in his relations to his colleagues, while in several cases the relations, agreeable with all, became those of close friendship. We lived constantly, of course, in diplomatic and Austrian society, and during the latter part of the time particularly his house was as much frequented and the centre of as many dancing and other receptions as any in the place. His official relations with the Foreign Office were courteous and agreeable, the successive Foreign Ministers during his stay being Count Richberg, Count Mensdorff, and Baron Beust. Austria was so far removed from any real contact with our own country that, though the interest in our war may have been languid, they did not pretend to a knowledge which might have inclined them to controversy, while an instinct that we were acting as a constituted government against rebellion rather inclined them to sympathy. I think I may say that as he became known among them his keen patriotism and high sense of honor and truth were fully understood and appreciated, and that what he said always commanded a sympathetic hearing among men with totally different political ideas, but with chivalrous and loyal instincts to comprehend his own. I shall never forget his account of the terrible day when the news of Mr. Lincoln's death came. By some accident a rumor of it reached him first through a colleague. He went straight to the Foreign Office for news, hoping against hope, was received by Count Mensdorff, who merely came forward and laid his arm about his shoulder with an intense sympathy beyond words."

Miss Motley, the historian's youngest daughter, has added a note to her sister's communication:--

"During his residence in Vienna the most important negotiations which he had to carry on with the Austrian Government were those connected with the Mexican affair. Maximilian at one time applied to his brother the Emperor for assistance, and he promised to accede to his demand. Accordingly a large number of volunteers were equipped and had actually embarked at Trieste, when a dispatch from Seward arrived, instructing the American Minister to give notice to the Austrian Government that if the troops sailed for Mexico he was to leave Vienna at once. My father had to go at once to Count Mensdorff with these instructions, and in spite of the Foreign

Minister being annoyed that the United States Government had not sooner intimated that this extreme course would be taken, the interview was quite amicable and the troops were not allowed to sail. We were in Vienna during the war in which Denmark fought alone against Austria and Prussia, and when it was over Bismarck came to Vienna to settle the terms of peace with the Emperor. He dined with us twice during his short stay, and was most delightful and agreeable. When he and my father were together they seemed to live over the youthful days they had spent together as students, and many were the anecdotes of their boyish frolics which Bismarck related."

XVII.

1861-1863. AEt. 47-49.

#### LETTERS FROM VIENNA.

Soon after Mr. Motley's arrival in Vienna I received a long letter from him, most of which relates to personal matters, but which contains a few sentences of interest to the general reader as showing his zealous labors, wherever he found himself, in behalf of the great cause then in bloody debate in his own country:

November 14, 1861.

. . . What can I say to you of cis-Atlantic things? I am almost ashamed to be away from home. You know that I had decided to remain, and had sent for my family to come to America, when my present appointment altered my plans. I do what good I can. I think I made some impression on Lord John Russell, with whom I spent two days soon after my arrival in England, and I talked very frankly and as strongly as I could to Palmerston, and I have had long conversations and correspondences with other leading men in England. I have also had an hour's [conversation] with Thouvenel in Paris. I hammered the Northern view into him as soundly as I could. For this year there will be no foreign interference with us. I don't anticipate it at any time, unless we bring it on ourselves by bad management, which I don't expect. Our fate is in our own hands, and Europe is looking on to see which side is strongest,--when it has made the discovery it will back it as also the best and the most moral. Yesterday I had my audience with the Emperor. He received me with much cordiality, and seemed interested in a long account which I gave him of our affairs. You may suppose I inculcated the Northern views. We spoke in his vernacular, and he asked me afterwards if I was a German. I mention this not from vanity, but because he asked it with earnestness, and as if it had a political significance. Of course I undeceived him. His appearance interested me, and his manner is very pleasing.

I continued to receive long and interesting letters from him at intervals during his residence as Minister at Vienna. Relating as they often did to public matters, about which he had private sources of information, his anxiety that they should not get into print was perfectly natural. As, however, I was at liberty to read his letters to others at my discretion, and as many parts of these letters have an interest as showing how American affairs looked to one who was behind the scenes in Europe, I may venture to give some extracts without fear of violating the spirit of his injunctions, or of giving offence to individuals. The time may come when his extended correspondence can be printed in full with propriety, but it must be in a future year and after it has passed into the hands of a younger generation. Meanwhile these few glimpses at his life and records of his feelings and opinions will help to make the portrait of the man we are studying present itself somewhat more clearly.

LEGATION of THE U. S. A., VIENNA, January 14, 1862.

MY DEAR HOLMES,--I have two letters of yours, November 29 and December 17, to express my thanks for. It is quite true that it is difficult for me to write with the same feeling that inspires you,--that everything around the inkstand within a radius of a thousand miles is full of deepest interest to writer and reader. I don't even intend to try to amuse you with Vienna matters. What is it to you that we had a very pleasant dinner-party last week at Prince Esterhazy's, and another this week at Prince Liechtenstein's, and that to-morrow I am to put on my cocked hat and laced coat to make a visit to her Imperial Majesty, the Empress Mother, and that to-night there is to be the first of the assembly balls, the Vienna Almack's, at which--I shall be allowed to absent myself altogether?

It strikes me that there is likely to be left a fair field for us a few months longer, say till midsummer. The Trent affair I shall not say much about, except to state that I have always been for giving up the prisoners. I was awfully afraid, knowing that the demand had gone forth,--

"Send us your prisoners or you'll hear of it,"

that the answer would have come back in the Hotspur vein--

'And if the Devil come and roar for them,  
We will not send them."

The result would have been most disastrous, for in order to secure a most trifling advantage,--that of keeping Mason and Slidell at Fort Warren a little longer,--we should have turned our backs on all the principles maintained by us when neutral, and should have been obliged to accept a war at an enormous disadvantage. . . .

But I hardly dared to hope that we should have obtained such a victory as we have done. To have disavowed the illegal transaction at once,--before any demand came from England,--to have placed that disavowal on the broad ground of principle which we have always

cherished, and thus with a clear conscience, and to our entire honor, to have kept ourselves clear from a war which must have given the Confederacy the invincible alliance of England,--was exactly what our enemies in Europe did not suppose us capable of doing. But we have done it in the handsomest manner, and there is not one liberal heart in this hemisphere that is not rejoiced, nor one hater of us and of our institutions that is not gnashing his teeth with rage.

The letter of ten close pages from which I have quoted these passages is full of confidential information, and contains extracts from letters of leading statesmen. If its date had been 1762, I might feel authorized in disobeying its injunctions of privacy. I must quote one other sentence, as it shows his animus at that time towards a distinguished statesman of whom he was afterwards accused of speaking in very hard terms by an obscure writer whose intent was to harm him. In speaking of the Trent affair, Mr. Motley says: "The English premier has been foiled by our much maligned Secretary of State, of whom, on this occasion at least, one has the right to say, with Sir Henry Wotton,--

'His armor was his honest thought,  
And simple truth his utmost skill.'

"He says at the close of this long letter:

'I wish I could bore you about something else but American politics. But there is nothing else worth thinking of in the world. All else is leather and prunella. We are living over again the days of the Dutchmen or the seventeenth-century Englishmen.'

My next letter, of fourteen closely written pages, was of similar character to the last. Motley could think of nothing but the great conflict. He was alive to every report from America, listening too with passionate fears or hopes, as the case might be, to the whispers not yet audible to the world which passed from lip to lip of the statesmen who were watching the course of events from the other side of the Atlantic with the sweet complacency of the looker-on of Lucretius; too often rejoicing in the storm that threatened wreck to institutions and an organization which they felt to be a standing menace to the established order of things in their older communities.

A few extracts from this very long letter will be found to have a special interest from the time at which they were written.

LEGATION OF U. S. A., VIENNA, February 26, 1862.

MY DEAR HOLMES,-- . . . I take great pleasure in reading your prophecies, and intend to be just as free in hazarding my own, for, as you say, our mortal life is but a string of guesses at the future, and no one but an idiot would be discouraged at finding himself sometimes far out in his calculations. If I find you signally right in any of your predictions, be sure that I will congratulate and applaud. If you make mistakes, you shall never

hear of them again, and I promise to forget them. Let me ask the same indulgence from you in return. This is what makes letter-writing a comfort and journalizing dangerous. . . The ides of March will be upon us before this letter reaches you. We have got to squash the rebellion soon, or be squashed forever as a nation. I don't pretend to judge military plans or the capacities of generals. But, as you suggest, perhaps I can take a more just view of the whole picture of the eventful struggle at this great distance than do those absolutely acting and suffering on the scene. Nor can I resist the desire to prophesy any more than you can do, knowing that I may prove utterly mistaken. I say, then, that one great danger comes from the chance of foreign interference. What will prevent that?

Our utterly defeating the Confederates in some great and conclusive battle; or,

Our possession of the cotton ports and opening them to European trade; or,

A most unequivocal policy of slave emancipation.

Any one of these three conditions would stave off recognition by foreign powers, until we had ourselves abandoned the attempt to reduce the South to obedience.

The last measure is to my mind the most important. The South has, by going to war with the United States government, thrust into our hands against our will the invincible weapon which constitutional reasons had hitherto forbidden us to employ. At the same time it has given us the power to remedy a great wrong to four millions of the human race, in which we had hitherto been obliged to acquiesce. We are threatened with national annihilation, and defied to use the only means of national preservation. The question is distinctly proposed to us, Shall Slavery die, or the great Republic? It is most astounding to me that there can be two opinions in the free States as to the answer.

If we do fall, we deserve our fate. At the beginning of the contest, constitutional scruples might be respectable. But now we are fighting to subjugate the South; that is, Slavery. We are fighting for nothing else that I know of. We are fighting for the Union. Who wishes to destroy the Union? The slaveholder, nobody else. Are we to spend twelve hundred millions, and raise six hundred thousand soldiers, in order to protect slavery? It really does seem to me too simple for argument. I am anxiously waiting for the coming Columbus who will set this egg of ours on end by smashing in the slavery end. We shall be rolling about in every direction until that is done. I don't know that it is to be done by proclamation. Rather perhaps by facts. . . . Well, I console myself with thinking that the people--the American people, at least --is about as wise collectively as less numerous collections of individuals, and that the people has really declared emancipation,



and is only puzzling how to carry it into effect. After all, it seems to be a law of Providence, that progress should be by a spiral movement; so that when it seems most tortuous, we may perhaps be going ahead. I am firm in the faith that slavery is now wriggling itself to death. With slavery in its pristine vigor, I should think the restored Union neither possible nor desirable. Don't understand me as not taking into account all the strategical considerations against premature governmental utterances on this great subject. But are there any trustworthy friends to the Union among the slaveholders? Should we lose many Kentuckians and Virginians who are now with us, if we boldly confiscated the slaves of all rebels? --and a confiscation of property which has legs and so confiscates itself, at command, is not only a legal, but would prove a very practical measure in time of war. In brief, the time is fast approaching, I think, when 'Thorough' should be written on all our banners. Slavery will never accept a subordinate position. The great Republic and Slavery cannot both survive. We have been defied to mortal combat, and yet we hesitate to strike. These are my poor thoughts on this great subject. Perhaps you will think them crude. I was much struck with what you quote from Mr. Conway, that if emancipation was proclaimed on the Upper Mississippi it would be known to the negroes of Louisiana in advance of the telegraph. And if once the blacks had leave to run, how many whites would have to stay at home to guard their dissolving property?

You have had enough of my maunderings. But before I conclude them, may I ask you to give all our kindest regards to Lowell, and to express our admiration for the Yankee Idyl. I am afraid of using too extravagant language if I say all I think about it. Was there ever anything more stinging, more concentrated, more vigorous, more just? He has condensed into those few pages the essence of a hundred diplomatic papers and historical disquisitions and Fourth of July orations. I was dining a day or two since with his friend Lytton (Bulwer's son, attache here) and Julian Fane (secretary of the embassy), both great admirers of him,--and especially of the "Biglow Papers;" they begged me to send them the Mason and Slidell Idyl, but I wouldn't,--I don't think it is in English nature (although theirs is very cosmopolitan and liberal) to take such punishment and come up smiling. I would rather they got it in some other way, and then told me what they thought voluntarily.

I have very pleasant relations with all the J. B.'s here. They are all friendly and well disposed to the North,--I speak of the embassy, which, with the ambassador and ---dress, numbers eight or ten souls, some of them very intellectual ones. There are no other J. B.'s here. I have no fear at present of foreign interference. We have got three or four months to do our work in,--a fair field and no favor. There is no question whatever that the Southern commissioners have been thoroughly snubbed in London and Paris. There is to be a blockade debate in Parliament next week, but no bad consequences are to be apprehended. The Duke de Gramont (French ambassador, and an intimate friend of the Emperor) told my wife last night that it was entirely false that the Emperor had ever urged the

English government to break the blockade. "Don't believe it,--don't believe a word of it," he said. He has always held that language to me. He added that Prince Napoleon had just come out with a strong speech about us,--you will see it, doubtless, before you get this letter,--but it has not yet reached us.

Shall I say anything of Austria,--what can I say that would interest you? That's the reason why I hate to write. All my thoughts are in America. Do you care to know about the Archduke Ferdinand Maximilian, that shall be King hereafter of Mexico (if L. N. has his way)? He is next brother to the Emperor, but although I have had the honor of private audiences of many archdukes here, this one is a resident of Trieste.

He is about thirty,--has an adventurous disposition,--some imagination,--a turn for poetry,--has voyaged a good deal about the world in the Austrian ship-of-war,--for in one respect he much resembles that unfortunate but anonymous ancestor of his, the King of Bohemia with the seven castles, who, according to Corporal Trim, had such a passion for navigation and sea-affairs, "with never a seaport in all his dominions." But now the present King of Bohemia has got the sway of Trieste, and is Lord High Admiral and Chief of the Marine Department. He has been much in Spain, also in South America; I have read some travels, "Reise Skizzen," of his--printed, not published. They are not without talent, and he ever and anon relieves his prose jog-trot by breaking into a canter of poetry. He adores bull-fights, and rather regrets the Inquisition, and considers the Duke of Alva everything noble and chivalrous, and the most abused of men. It would do your heart good to hear his invocations to that deeply injured shade, and his denunciations of the ignorant and vulgar protestants who have defamed him. (N.B. Let me observe that the R. of the D. R. was not published until long after the "Reise Skizzen" were written.) 'Du armer Alva! weil du dem Willen deines Herrn unerschütterlich treu vast, weil die festbestimmten grundsätze der Regierung,' etc., etc., etc. You can imagine the rest. Dear me! I wish I could get back to the sixteenth and seventeenth century. . . . But alas! the events of the nineteenth are too engrossing.

If Lowell cares to read this letter, will you allow me to "make it over to him jointly," as Captain Cuttle says. I wished to write to him, but I am afraid only you would tolerate my writing so much when I have nothing to say. If he would ever send me a line I should be infinitely obliged, and would quickly respond. We read the "Washers of the Shroud" with fervid admiration.

Always remember me most sincerely to the Club, one and all. It touches me nearly when you assure me that I am not forgotten by them. To-morrow is Saturday and the last of the month.--[See Appendix A.]--We are going to dine with our Spanish colleague. But the first bumper of the Don's champagne I shall drain to the health of my Parker House friends.

From another long letter dated August 31, 1862, I extract the following passages:--

"I quite agree in all that you said in your last letter. 'The imp of secession can't reenter its mother's womb.' It is merely childish to talk of the Union 'as it was.' You might as well bring back the Saxon Heptarchy. But the great Republic is destined to live and flourish, I can't doubt. . . . Do you remember that wonderful scene in Faust in which Mephistopheles draws wine for the rabble with a gimlet out of the wooden table; and how it changes to fire as they drink it, and how they all go mad, draw their knives, grasp each other by the nose, and think they are cutting off bunches of grapes at every blow, and how foolish they all look when they awake from the spell and see how the Devil has been mocking them? It always seems to me a parable of the great Secession.

"I repeat, I can't doubt as to the ultimate result. But I dare say we have all been much mistaken in our calculations as to time. Days, months, years, are nothing in history. Men die, man is immortal, practically, even on this earth. We are so impatient,-- and we are always watching for the last scene of the tragedy. Now I humbly opine that the drop is only about falling on the first act, or perhaps only the prologue. This act or prologue will be called, in after days, War for the status quo. "Such enthusiasm, heroism, and manslaughter as status quo could inspire, has, I trust, been not entirely in vain, but it has been proved insufficient.

"I firmly believe that when the slaveholders declared war on the United States government they began a series of events that, in the logical chain of history, cannot come to a conclusion until the last vestige of slavery is gone. Looking at the whole field for a moment dispassionately, objectively, as the dear Teutonic philosophers say, and merely as an exhibition of phenomena, I cannot imagine any other issue. Everything else may happen. This alone must happen.

"But after all this isn't a war. It is a revolution. It is n't strategists that are wanted so much as believers. In revolutions the men who win are those who are in earnest. Jeff and Stonewall and the other Devil-worshippers are in earnest, but it was not written in the book of fate that the slaveholders' rebellion should be vanquished by a pro-slavery general. History is never so illogical. No, the coming 'man on horseback' on our side must be a great strategist, with the soul of that insane lion, mad old John Brown, in his belly. That is your only Promethean recipe:--

'et insani leonis  
Vim stomacho apposuisse nostro.'

"I don't know why Horace runs so in my head this morning. . . .

"There will be work enough for all; but I feel awfully fidgety just now about Port Royal and Hilton Head, and about affairs generally for the next three months. After that iron-clads and the new levies

must make us invincible."

In another letter, dated November 2, 1862, he expresses himself very warmly about his disappointment in the attitude of many of his old English friends with reference to our civil conflict. He had recently heard the details of the death of "the noble Wilder Dwight."

"It is unnecessary," he says, "to say how deeply we were moved. I had the pleasure of knowing him well, and I always appreciated his energy, his manliness, and his intelligent cheerful heroism. I look back upon him now as a kind of heroic type of what a young New Englander ought to be and was. I tell you that one of these days--after a generation of mankind has passed away--these youths will take their places in our history, and be regarded by the young men and women now unborn with the admiration which the Philip Sidneys and the Max Piccolominis now inspire. After all, what was your Chevy Chase to stir blood with like a trumpet? What noble principle, what deathless interest, was there at stake? Nothing but a bloody fight between a lot of noble gamekeepers on one side and of noble poachers on the other. And because they fought well and hacked each other to pieces like devils, they have been heroes for centuries."

The letter was written in a very excited state of feeling, and runs over with passionate love of country and indignation at the want of sympathy with the cause of freedom which he had found in quarters where he had not expected such coldness or hostile tendencies.

From a letter dated Vienna, September 22, 1863.

. . . "When you wrote me last you said on general matters this: 'In a few days we shall get the news of the success or failure of the attacks on Port Hudson and Vicksburg. If both are successful, many will say that the whole matter is about settled.' You may suppose that when I got the great news I shook hands warmly with you in the spirit across the Atlantic. Day by day for so long we had been hoping to hear the fall of Vicksburg. At last when that little concentrated telegram came, announcing Vicksburg and Gettysburg on the same day and in two lines, I found myself almost alone. . . . There was nobody in the house to join in my huzzahs but my youngest infant. And my conduct very much resembled that of the excellent Philip II. when he heard the fall of Antwerp,--for I went to her door, screeching through the key-hole 'Vicksburg is ours!' just as that other 'pere de famille,' more potent, but I trust not more respectable than I, conveyed the news to his Infanta. (Fide, for the incident, an American work on the Netherlands, i. p. 263, and the authorities there cited.) It is contemptible on my part to speak thus frivolously of events which will stand out in such golden letters so long as America has a history, but I wanted to illustrate the yearning for sympathy which I felt. You who were among people grim and self-contained usually, who, I trust, were falling on each other's necks in the public streets, shouting, with tears in their eyes and triumph in their hearts, can picture my isolation.

"I have never faltered in my faith, and in the darkest hours, when misfortunes seemed thronging most thickly upon us, I have never felt the want of anything to lean against; but I own I did feel like shaking hands with a few hundred people when I heard of our Fourth of July, 1863, work, and should like to have heard and joined in an American cheer or two.

"I have not much to say of matters here to interest you. We have had an intensely hot, historically hot, and very long and very dry summer. I never knew before what a drought meant. In Hungary the suffering is great, and the people are killing the sheep to feed the pigs with the mutton. Here about Vienna the trees have been almost stripped of foliage ever since the end of August. There is no glory in the grass nor verdure in anything.

"In fact, we have nothing green here but the Archduke Max, who firmly believes that he is going forth to Mexico to establish an American empire, and that it is his divine mission to destroy the dragon of democracy and reestablish the true Church, the Right Divine, and all sorts of games. Poor young man! . . .

"Our information from home is to the 12th. Charleston seems to be in 'articulo mortis,' but how forts nowadays seem to fly in the face of Scripture. Those founded on a rock, and built of it, fall easily enough under the rain of Parrotts and Dahlgrens, while the house built of sand seems to bid defiance to the storm."

In quoting from these confidential letters I have been restrained from doing full justice to their writer by the fact that he spoke with such entire freedom of persons as well as events. But if they could be read from beginning to end, no one could help feeling that his love for his own country, and passionate absorption of every thought in the strife upon which its existence as a nation depended, were his very life during all this agonizing period. He can think and talk of nothing else, or, if he turns for a moment to other subjects, he reverts to the one great central interest of "American politics," of which he says in one of the letters from which I have quoted, "There is nothing else worth thinking of in the world."

But in spite of his public record as the historian of the struggle for liberty and the champion of its defenders, and while every letter he wrote betrayed in every word the intensity of his patriotic feeling, he was not safe against the attacks of malevolence. A train laid by unseen hands was waiting for the spark to kindle it, and this came at last in the shape of a letter from an unknown individual,--a letter the existence of which ought never to have been a matter of official recognition.

1866-1867. AEt. 52-43.

#### RESIGNATION OF HIS OFFICE.--CAUSES OF HIS RESIGNATION.

It is a relief to me that just here, where I come to the first of two painful episodes in this brilliant and fortunate career, I can preface my statement with the generous words of one who speaks with authority of his predecessor in office.

The Hon. John Jay, Ex-Minister to Austria, in the tribute to the memory of Motley read at a meeting of the New York Historical Society, wrote as follows:--

"In singular contrast to Mr. Motley's brilliant career as an historian stands the fact recorded in our diplomatic annals that he was twice forced from the service as one who had forfeited the confidence of the American government. This society, while he was living, recognized his fame as a statesman, diplomatist, and patriot, as belonging to America, and now that death has closed the career of Seward, Sumner, and Motley, it will be remembered that the great historian, twice humiliated, by orders from Washington, before the diplomacy and culture of Europe, appealed from the passions of the hour to the verdict of history.

"Having succeeded Mr. Motley at Vienna some two years after his departure, I had occasion to read most of his dispatches, which exhibited a mastery of the subjects of which they treated, with much of the clear perception, the scholarly and philosophic tone and decided judgment, which, supplemented by his picturesque description, full of life and color, have given character to his histories. They are features which might well have served to extend the remark of Madame de Stael that a great historian is almost a statesman. I can speak also from my own observation of the reputation which Motley left in the Austrian capital.

Notwithstanding the decision with which, under the direction of Mr. Seward, he had addressed the minister of foreign affairs, Count Mensdorff, afterwards the Prince Diedrickstein, protesting against the departure of an Austrian force of one thousand volunteers, who were about to embark for Mexico in aid of the ill-fated Maximilian, --a protest which at the last moment arrested the project,--Mr. Motley and his amiable family were always spoken of in terms of cordial regard and respect by members of the imperial family and those eminent statesmen, Count de Beust and Count Andrassy. His death, I am sure, is mourned to-day by the representatives of the historic names of Austria and Hungary, and by the surviving diplomats then residing near the Court of Vienna, wherever they may still be found, headed by their venerable Doyen, the Baron de Heckeren."

The story of Mr. Motley's resignation of his office and its acceptance by the government is this.

The President of the United States, Andrew Johnson, received a letter

professing to be written from the Hotel Meurice, Paris, dated October 23, 1866, and signed "George W. M'Crackin, of New York." This letter was filled with accusations directed against various public agents, ministers, and consuls, representing the United States in different countries. Its language was coarse, its assertions were improbable, its spirit that of the lowest of party scribblers. It was bitter against New England, especially so against Massachusetts, and it singled out Motley for the most particular abuse. I think it is still questioned whether there was any such person as the one named,--at any rate, it bore the characteristic marks of those vulgar anonymous communications which rarely receive any attention unless they are important enough to have the police set on the track of the writer to find his rathole, if possible. A paragraph in the "Daily Advertiser" of June 7, 1869, quotes from a Western paper a story to the effect that one William R. M'Crackin, who had recently died at ----- confessed to having written the M' Crackin letter. Motley, he said, had snubbed him and refused to lend him money. "He appears to have been a Bohemian of the lowest order." Between such authorship and the anonymous there does not seem to be much to choose. But the dying confession sounds in my ears as decidedly apocryphal. As for the letter, I had rather characterize it than reproduce it. It is an offence to decency and a disgrace to the national record on which it is found. This letter of "George W. M'Crackin" passed into the hands of Mr. Seward, the Secretary of State. Most gentlemen, I think, would have destroyed it on the spot, as it was not fit for the waste-basket. Some, more cautious, might have smothered it among the piles of their private communications. If any notice was taken of it, one would say that a private note to each of the gentlemen attacked might have warned him that there were malicious eavesdroppers about, ready to catch up any careless expression he might let fall and make a scandalous report of it to his detriment.

The secretary, acquiescing without resistance in a suggestion of the President, saw fit to address a formal note to several of the gentlemen mentioned in the M'Crackin letter, repeating some of its offensive expressions, and requesting those officials to deny or confirm the report that they had uttered them.

A gentleman who is asked whether he has spoken in a "malignant" or "offensive" manner, whether he has "railed violently and shamefully" against the President of the United States, or against anybody else, might well wonder who would address such a question to the humblest citizen not supposed to be wanting in a common measure of self-respect. A gentleman holding an important official station in a foreign country, receiving a letter containing such questions, signed by the prime minister of his government, if he did not think himself imposed upon by a forgery, might well consider himself outraged. It was a letter of this kind which was sent by the Secretary of State to the Minister Plenipotentiary to the Empire of Austria. Not quite all the vulgar insolence of the M'Crackin letter was repeated. Mr. Seward did not ask Mr. Motley to deny or confirm the assertion of the letter that he was a "thorough flunky" and "un-American functionary." But he did insult him with various questions suggested by the anonymous letter,--questions that must have been felt as an indignity by the most thick-skinned of battered

politicians.

Mr. Motley was very sensitive, very high-spirited, very impulsive, very patriotic, and singularly truthful. The letter of Mr. Seward to such a man was like a buffet on the cheek of an unarmed officer. It stung like the thrust of a stiletto. It roused a resentment that could not find any words to give it expression. He could not wait to turn the insult over in his mind, to weigh the exact amount of affront in each question, to take counsel, to sleep over it, and reply to it with diplomatic measure and suavity. One hour had scarcely elapsed before his answer was written. As to his feelings as an American, he appeals to his record. This might have shown that if he erred it was on the side of enthusiasm and extravagant expressions of reverence for the American people during the heroic years just passed. He denounces the accusations as pitiful fabrications and vile calumny. He blushes that such charges could have been uttered; he is deeply wounded that Mr. Seward could have listened to such falsehood. He does not hesitate to say what his opinions are with reference to home questions, and especially to that of reconstruction.

"These opinions," he says, "in the privacy of my own household, and to occasional American visitors, I have not concealed. The great question now presenting itself for solution demands the conscientious scrutiny of every American who loves his country and believes in the human progress of which that country is one of the foremost representatives. I have never thought, during my residence at Vienna, that because I have the honor of being a public servant of the American people I am deprived of the right of discussing within my own walls the gravest subjects that can interest freemen. A minister of the United States does not cease to be a citizen of the United States, as deeply interested as others in all that relates to the welfare of his country."

Among the "occasional American visitors" spoken of above must have been some of those self-appointed or hired agents called "interviewers," who do for the American public what the Venetian spies did for the Council of Ten, what the familiars of the Inquisition did for the priesthood, who invade every public man's privacy, who listen at every key-hole, who tamper with every guardian of secrets; purveyors to the insatiable appetite of a public which must have a slain reputation to devour with its breakfast, as the monster of antiquity called regularly for his tribute of a spotless virgin.

The "interviewer" has his use, undoubtedly, and often instructs and amuses his public with gossip they could not otherwise listen to. He serves the politician by repeating the artless and unstudied remarks which fall from his lips in a conversation which the reporter has been invited to take notes of. He tickles the author's vanity by showing him off as he sits in his library unconsciously uttering the engaging items of self-portraiture which, as he well knows, are to be given to the public in next week's illustrated paper. The feathered end of his shaft titillates harmlessly enough, but too often the arrowhead is crusted with a poison worse than the Indian gets by mingling the wolf's gall with the rattlesnake's venom. No man is safe whose unguarded threshold the



mischief-making questioner has crossed. The more unsuspecting, the more frank, the more courageous, the more social is the subject of his vivisection, the more easily does he get at his vital secrets, if he has any to be extracted. No man is safe if the hearsay reports of his conversation are to be given to the public without his own careful revision. When we remember that a proof-text bearing on the mighty question of the future life, words of supreme significance, uttered as they were in the last hour, and by the lips to which we listen as to none other,--that this text depends for its interpretation on the position of a single comma, we can readily see what wrong may be done by the unintentional blunder of the most conscientious reporter. But too frequently it happens that the careless talk of an honest and high-minded man only reaches the public after filtering through the drain of some reckless hireling's memory,--one who has played so long with other men's characters and good name that he forgets they have any value except to fill out his morning paragraphs.

Whether the author of the scandalous letter which it was disgraceful to the government to recognize was a professional interviewer or only a malicious amateur, or whether he was a paid "spotter," sent by some jealous official to report on the foreign ministers as is sometimes done in the case of conductors of city horsecars, or whether the dying miscreant before mentioned told the truth, cannot be certainly known. But those who remember Mr. Hawthorne's account of his consular experiences at Liverpool are fully aware to what intrusions and impertinences and impositions our national representatives in other countries are subjected. Those fellow-citizens who "often came to the consulate in parties of half a dozen or more, on no business whatever, but merely to subject their public servant to a rigid examination, and see how he was getting on with his duties," may very possibly have included among them some such mischief-maker as the author of the odious letter which received official recognition. Mr. Motley had spoken in one of his histories of "a set of venomous familiars who glided through every chamber and coiled themselves at every fireside." He little thought that under his own roof he himself was to be the victim of an equally base espionage.

It was an insult on the part of the government to have sent Mr. Motley such a letter with such questions as were annexed to it. No very exact rule can be laid down as to the manner in which an insult shall be dealt with. Something depends on temperament, and his was of the warmer complexion. His first impulse, he says, was to content himself with a flat denial of the truth of the accusations. But his scrupulous honesty compelled him to make a plain statement of his opinions, and to avow the fact that he had made no secret of them in conversation under conditions where he had a right to speak freely of matters quite apart from his official duties. His answer to the accusation was denial of its charges; his reply to the insult was his resignation.

It may be questioned whether this was the wisest course, but wisdom is often disconcerted by an indignity, and even a meek Christian may forget to turn the other cheek after receiving the first blow until the natural man has asserted himself by a retort in kind. But the wrong was

committed; his resignation was accepted; the vulgar letter, not fit to be spread out on these pages, is enrolled in the records of the nation, and the first deep wound was inflicted on the proud spirit of one whose renown had shed lustre on the whole country.

That the burden of this wrong may rest where it belongs, I quote the following statement from Mr. Jay's paper, already referred to.

"It is due to the memory of Mr. Seward to say, and there would seem now no further motive for concealing the truth, that I was told in Europe, on what I regarded as reliable authority, that there was reason to believe that on the receipt of Mr. Motley's resignation Mr. Seward had written to him declining to accept it, and that this letter, by a telegraphic order of President Johnson, had been arrested in the hands of a dispatch agent before its delivery to Mr. Motley, and that the curt letter of the 18th of April had been substituted in its stead."

The Hon. John Bigelow, late Minister to France, has published an article in "The International Review" for July-August, 1878, in which he defends his late friend Mr. Seward's action in this matter at the expense of the President, Mr. Andrew Johnson, and not without inferences unfavorable to the discretion of Mr. Motley. Many readers will think that the simple record of Mr. Seward's unresisting acquiescence in the action of the President is far from being to his advantage. I quote from his own conversation as carefully reported by his friend Mr. Bigelow. "Mr. Johnson was in a state of intense irritation, and more or less suspicious of everybody about him."--"Instead of throwing the letter into the fire," the President handed it to him, the secretary, and suggested answering it, and without a word, so far as appears, he simply answered, "Certainly, sir." Again, the secretary having already written to Mr. Motley that "his answer was satisfactory," the President, on reaching the last paragraph of Mr. Motley's letter, in which he begged respectfully to resign his post, "without waiting to learn what Mr. Seward had done or proposed to do, exclaimed, with a not unnatural asperity, 'Well, let him go,' and 'on hearing this,' said Mr. Seward, laughing, 'I did not read my dispatch.'" Many persons will think that the counsel for the defence has stated the plaintiff's case so strongly that there is nothing left for him but to show his ingenuity and his friendship for the late secretary in a hopeless argument. At any rate, Mr. Seward appears not to have made the slightest effort to protect Mr. Motley against his coarse and jealous chief at two critical moments, and though his own continuance in office may have been more important to the State than that of the Vicar of Bray was to the Church, he ought to have risked something, as it seems to me, to shield such a patriot, such a gentleman, such a scholar, from ignoble treatment; he ought to have been as ready to guard Mr. Motley from wrong as Mr. Bigelow has shown himself to shield Mr. Seward from reproach, and his task, if more delicate, was not more difficult. I am willing to accept Mr. Bigelow's loyal and honorable defence of his friend's memory as the best that could be said for Mr. Seward, but the best defence in this case is little better than an impeachment. As for Mr. Johnson, he had held the weapon of the most relentless of the 'Parcae' so long that his suddenly clipping the thread of a foreign minister's tenure of office

in a fit of jealous anger is not at all surprising.

Thus finished Mr. Motley's long and successful diplomatic service at the Court of Austria. He may have been judged hasty in resigning his place; he may have committed himself in expressing his opinions too strongly before strangers, whose true character as spies and eavesdroppers he was too high-minded to suspect. But no caution could have protected him against a slanderer who hated the place he came from, the company he kept, the name he had made famous, to whom his very look and bearing-- such as belong to a gentleman of natural refinement and good breeding-- must have been a personal grievance and an unpardonable offence.

I will add, in illustration of what has been said, and as showing his feeling with reference to the matter, an extract from a letter to me from Vienna, dated the 12th of March, 1867.

. . . "As so many friends and so many strangers have said so much that is gratifying to me in public and private on this very painful subject, it would be like affectation, in writing to so old a friend as you, not to touch upon it. I shall confine myself, however, to one fact, which, so far as I know, may be new to you.

"Geo. W. M'Cracken is a man and a name utterly unknown to me.

"With the necessary qualification which every man who values truth must make when asserting such a negation,--viz., to the very best of my memory and belief,--I never set eyes on him nor heard of him until now, in the whole course of my life. Not a member of my family or of the legation has the faintest recollection of any such person. I am quite convinced that he never saw me nor heard the sound of my voice. That his letter was a tissue of vile calumnies, shameless fabrications, and unblushing and contemptible falsehoods, --by whomsoever uttered,--I have stated in a reply to what ought never to have been an official letter. No man can regret more than I do that such a correspondence is enrolled in the capital among American state papers. I shall not trust myself to speak of the matter. It has been a sufficiently public scandal."

XIX.

1867-1868. AEt. 53-54.

LAST TWO VOLUMES OF THE "HISTORY OF THE UNITED NETHERLANDS."--GENERAL CRITICISMS OF DUTCH SCHOLARS ON MOTLEY'S HISTORICAL WORKS.

In his letter to me of March 12, 1867, just cited, Mr. Motley writes:--

"My two concluding volumes of the United Netherlands are passing rapidly through the press. Indeed, Volume III. is entirely printed and a third of Volume IV.

"If I live ten years longer I shall have probably written the natural sequel to the first two works,--viz., the Thirty Years' War. After that I shall cease to scourge the public.

"I don't know whether my last two volumes are good or bad; I only know that they are true--but that need n't make them amusing.

"Alas! one never knows when one becomes a bore."

In 1868 the two concluding volumes of the "History of the Netherlands" were published at the same time in London and in New York. The events described and the characters delineated in these two volumes had, perhaps, less peculiar interest for English and American readers than some of those which had lent attraction to the preceding ones. There was no scene like the siege of Antwerp, no story like that of the Spanish Armada. There were no names that sounded to our ears like those of Sir Philip Sidney and Leicester and Amy Robsart. But the main course of his narrative flowed on with the same breadth and depth of learning and the same brilliancy of expression. The monumental work continued as nobly as it had begun. The facts had been slowly, quietly gathered, one by one, like pebbles from the empty channel of a brook. The style was fluent, impetuous, abundant, impatient, as it were, at times, and leaping the sober boundaries prescribed to it, like the torrent which rushes through the same channel when the rains have filled it. Thus there was matter for criticism in his use of language. He was not always careful in the construction of his sentences. He introduced expressions now and then into his vocabulary which reminded one of his earlier literary efforts. He used stronger language at times than was necessary, coloring too highly, shading too deeply in his pictorial delineations. To come to the matter of his narrative, it must be granted that not every reader will care to follow him through all the details of diplomatic intrigues which he has with such industry and sagacity extricated from the old manuscripts in which they had long lain hidden. But we turn a few pages and we come to one of those descriptions which arrest us at once and show him in his power and brilliancy as a literary artist. His characters move before us with the features of life; we can see Elizabeth, or Philip, or Maurice, not as a name connected with events, but as a breathing and acting human being, to be loved or hated, admired or despised, as if he or she were our contemporary. That all his judgments would not be accepted as final we might easily anticipate; he could not help writing more or less as a partisan, but he was a partisan on the side of freedom in politics and religion, of human nature as against every form of tyranny, secular or priestly, of noble manhood wherever he saw it as against meanness and violence and imposture, whether clad in the soldier's mail or the emperor's purple. His sternest critics, and even these admiring ones, were yet to be found among those who with fundamental beliefs at variance with his own followed him in his long researches among the dusty annals of the past.

The work of the learned M. Groen van Prinsterer,--[Maurice et Barnevelt, Etude Historique. Utrecht, 1875.]--devoted expressly to the revision and correction of what the author considers the erroneous views of Mr. Motley

on certain important points, bears, notwithstanding, such sincere and hearty tribute to his industry, his acquisitions, his brilliant qualities as a historian, that some extracts from it will be read, I think, with interest.

"My first interview, more than twenty years ago, with Mr. Lothrop Motley, has left an indelible impression on my memory.

"It was the 8th of August, 1853. A note is handed me from our eminent archivist Bakhuyzen van den Brink. It informs me that I am to receive a visit from an American, who, having been struck by the analogies between the United Provinces and the United States, between Washington and the founder of our independence, has interrupted his diplomatic career to write the life of William the First; that he has already given proof of ardor and perseverance, having worked in libraries and among collections of manuscripts, and that he is coming to pursue his studies at the Hague.

"While I am surprised and delighted with this intelligence, I am informed that Mr. Motley himself is waiting for my answer. My eagerness to make the acquaintance of such an associate in my sympathies and my labors may be well imagined. But how shall I picture my surprise, in presently discovering that this unknown and indefatigable fellow-worker has really read, I say read and reread, our Quartos, our Folios, the enormous volumes of Bor, of van Meteren, besides a multitude of books, of pamphlets, and even of unedited documents. Already he is familiar with the events, the changes of condition, the characteristic details of the life of his and my hero. Not only is he acquainted with my Archives, but it seems as if there was nothing in this voluminous collection of which he was ignorant. . . .

"In sending me the last volume of his 'History of the Foundation of the Republic of the Netherlands,' Mr. Motley wrote to me: 'Without the help of the Archives I could never have undertaken the difficult task I had set myself, and you will have seen at least from my numerous citations that I have made a sincere and conscientious study of them.' Certainly in reading such a testimonial I congratulated myself on the excellent fruit of my labors, but the gratitude expressed to me by Mr. Motley was sincerely reciprocated. The Archives are a scientific collection, and my 'Manual of National History,' written in Dutch, hardly gets beyond the limits of my own country. And here is a stranger, become our compatriot in virtue of the warmth of his sympathies, who has accomplished what was not in my power. By the detail and the charm of his narrative, by the matter and form of a work which the universality of the English language and numerous translations were to render cosmopolitan, Mr. Motley, like that other illustrious historian, Prescott, lost to science by too early death, has popularized in both hemispheres the sublime devotion of the Prince of Orange, the exceptional and providential destinies of my country, and the benedictions of the Eternal for all those who trust in Him and tremble only at his Word."

The old Dutch scholar differs in many important points from Mr. Motley, as might be expected from his creed and his life-long pursuits. This I shall refer to in connection with Motley's last work, "John of Barneveld." An historian among archivists and annalists reminds one of Sir John Lubbock in the midst of his ant-hills. Undoubtedly he disturbs the ants in their praiseworthy industry, much as his attentions may flatter them. Unquestionably the ants (if their means of expressing themselves were equal to their apparent intellectual ability) could teach him many things that he has overlooked and correct him in many mistakes. But the ants will labor ingloriously without an observer to chronicle their doings, and the archivists and annalists will pile up facts forever like so many articulates or mollusks or radiates, until the vertebrate historian comes with his generalizing ideas, his beliefs, his prejudices, his idiosyncrasies of all kinds, and brings the facts into a more or less imperfect, but still organic series of relations. The history which is not open to adverse criticism is worth little, except as material, for it is written without taking cognizance of those higher facts about which men must differ; of which Guizot writes as follows, as quoted in the work of M. Groen van Prinsterer himself.

"It is with facts that our minds are exercised, it has nothing but facts as its materials, and when it discovers general laws these laws are themselves facts which it determines. . . . In the study of facts the intelligence may allow itself to be crushed; it may lower, narrow, materialize itself; it may come to believe that there are no facts except those which strike us at the first glance, which come close to us, which fall, as we say, under our senses; a great and gross error; there are remote facts, immense, obscure, sublime, very difficult to reach, to observe, to describe, and which are not any less facts for these reasons, and which man is not less obliged to study and to know; and if he fails to recognize them or forgets them, his thought will be prodigiously abashed, and all his ideas carry the stamp of this deterioration."

In that higher region of facts which belongs to the historian, whose task it is to interpret as well as to transcribe, Mr. Motley showed, of course, the political and religious school in which he had been brought up. Every man has a right to his "personal equation" of prejudice, and Mr. Motley, whose ardent temperament gave life to his writings, betrayed his sympathies in the disputes of which he told the story, in a way to insure sharp criticism from those of a different way of thinking. Thus it is that in the work of M. Groen van Prinsterer, from which I have quoted, he is considered as having been betrayed into error, while his critic recognizes "his manifest desire to be scrupulously impartial and truth-telling." And M. Fruin, another of his Dutch critics, says, "His sincerity, his perspicacity, the accuracy of his laborious researches, are incontestable."

Some of the criticisms of Dutch scholars will be considered in the pages which deal with his last work, "The Life of John of Barneveld."

XX.

1868-1869. AEt. 54-55.

VISIT TO AMERICA.--RESIDENCE AT NO. 2 PARK STREET, BOSTON.--ADDRESS ON THE COMING PRESIDENTIAL ELECTION.--ADDRESS ON HISTORIC PROGRESS AND AMERICAN DEMOCRACY.--APPOINTED MINISTER TO ENGLAND.

In June, 1868, Mr. Motley returned with his family to Boston, and established himself in the house No. 2 Park Street. During his residence here he entered a good deal into society, and entertained many visitors in a most hospitable and agreeable way.

On the 20th of October, 1868, he delivered an address before the Parker Fraternity, in the Music Hall, by special invitation. Its title was "Four Questions for the People, at the Presidential Election." This was of course what is commonly called an electioneering speech, but a speech full of noble sentiments and eloquent expression. Here are two of its paragraphs:--

"Certainly there have been bitterly contested elections in this country before. Party spirit is always rife, and in such vivid, excitable, disputatious communities as ours are, and I trust always will be, it is the very soul of freedom. To those who reflect upon the means and end of popular government, nothing seems more stupid than in grand generalities to deprecate party spirit. Why, government by parties and through party machinery is the only possible method by which a free government can accomplish the purpose of its existence. The old republics of the past may be said to have fallen, not because of party spirit, but because there was no adequate machinery by which party spirit could develop itself with facility and regularity.

"And if our Republic be true to herself, the future of the human race is assured by our example. No sweep of overwhelming armies, no ponderous treatises on the rights of man, no hymns to liberty, though set to martial music and resounding with the full diapason of a million human throats, can exert so persuasive an influence as does the spectacle of a great republic, occupying a quarter of the civilized globe, and governed quietly and sagely by the people itself."

A large portion of this address is devoted to the proposition that it is just and reasonable to pay our debts rather than to repudiate them, and that the nation is as much bound to be honest as is the individual. "It is an awful thing," he says, "that this should be a question at all," but it was one of the points on which the election turned, for all that.

In his advocacy of the candidate with whom, and the government of which he became the head, his relations became afterwards so full of personal antagonism, he spoke as a man of his ardent nature might be expected to

speak on such an occasion. No one doubts that his admiration of General Grant's career was perfectly sincere, and no one at the present day can deny that the great captain stood before the historian with such a record as one familiar with the deeds of heroes and patriots might well consider as entitling him to the honors too often grudged to the living to be wasted on the dead. The speaker only gave voice to the widely prevailing feelings which had led to his receiving the invitation to speak. The time was one which called for outspoken utterance, and there was not a listener whose heart did not warm as he heard the glowing words in which the speaker recorded the noble achievements of the soldier who must in so many ways have reminded him of his favorite character, William the Silent.

On the 16th of December of this same year, 1868, Mr. Motley delivered an address before the New York Historical Society, on the occasion of the sixty-fourth anniversary of its foundation. The president of the society, Mr. Hamilton Fish, introduced the speaker as one "whose name belongs to no single country, and to no single age. As a statesman and diplomatist and patriot, he belongs to America; as a scholar, to the world of letters; as a historian, all ages will claim him in the future."

His subject was "Historic Progress and American Democracy." The discourse is, to use his own words, "a rapid sweep through the eons and the centuries," illustrating the great truth of the development of the race from its origin to the time in which we are living. It is a long distance from the planetary fact of the obliquity of the equator, which gave the earth its alternation of seasons, and rendered the history, if not the existence of man and of civilization a possibility, to the surrender of General Lee under the apple-tree at Appomattox Court-House. No one but a scholar familiar with the course of history could have marshalled such a procession of events into a connected and intelligible sequence. It is indeed a flight rather than a march; the reader is borne along as on the wings of a soaring poem, and sees the rising and decaying empires of history beneath him as a bird of passage marks the succession of cities and wilds and deserts as he keeps pace with the sun in his journey.

Its eloquence, its patriotism, its crowded illustrations, drawn from vast resources of knowledge, its epigrammatic axioms, its occasional pleasantries, are all characteristic of the writer.

Mr. Gulian C. Verplanck, the venerable senior member of the society, proposed the vote of thanks to Mr. Motley with words of warm commendation.

Mr. William Cullen Bryant rose and said:--

"I take great pleasure in seconding the resolution which has just been read. The eminent historian of the Dutch Republic, who has made the story of its earlier days as interesting as that of Athens and Sparta, and who has infused into the narrative the generous glow of his own genius, has the highest of titles to be heard with respectful attention by the citizens of a community which, in its



origin, was an offshoot of that renowned republic. And cheerfully has that title been recognized, as the vast audience assembled here to-night, in spite of the storm, fully testifies; and well has our illustrious friend spoken of the growth of civilization and of the improvement in the condition of mankind, both in the Old World--the institutions of which he has so lately observed--and in the country which is proud to claim him as one of her children."

Soon after the election of General Grant, Mr. Motley received the appointment of Minister to England. That the position was one which was in many respects most agreeable to him cannot be doubted. Yet it was not with unmingled feelings of satisfaction, not without misgivings which warned him but too truly of the dangers about to encompass him, that he accepted the place. He writes to me on April 16, 1869:--

"I feel anything but exultation at present,--rather the opposite sensation. I feel that I am placed higher than I deserve, and at the same time that I am taking greater responsibilities than ever were assumed by me before. You will be indulgent to my mistakes and shortcomings,--and who can expect to avoid them? But the world will be cruel, and the times are threatening. I shall do my best,--but the best may be poor enough,--and keep 'a heart for any fate.'"

XXI.

1869-1870. AEt. 55-56.

#### RECALL FROM THE ENGLISH MISSION.--ITS ALLEGED AND ITS PROBABLE REASONS.

The misgivings thus expressed to me in confidence, natural enough in one who had already known what it is to fall on evil days and evil tongues, were but too well justified by after events. I could have wished to leave untold the story of the English mission, an episode in Motley's life full of heart-burnings, and long to be regretted as a passage of American history. But his living appeal to my indulgence comes to me from his grave as a call for his defence, however little needed, at least as a part of my tribute to his memory. It is little needed, because the case is clear enough to all intelligent readers of our diplomatic history, and because his cause has been amply sustained by others in many ways better qualified than myself to do it justice. The task is painful, for if a wrong was done him it must be laid at the doors of those whom the nation has delighted to honor, and whose services no error of judgment or feeling or conduct can ever induce us to forget. If he confessed him, self-liable, like the rest of us, to mistakes and shortcomings, we must remember that the great officers of the government who decreed his downfall were not less the subjects of human infirmity.

The outline to be filled up is this: A new administration had just been elected. The "Alabama Treaty," negotiated by Motley's predecessor, Mr. Reverdy Johnson, had been rejected by the Senate. The minister was

recalled, and Motley, nominated without opposition and unanimously confirmed by the Senate, was sent to England in his place. He was welcomed most cordially on his arrival at Liverpool, and replied in a similar strain of good feeling, expressing the same kindly sentiments which may be found in his instructions. Soon after arriving in London he had a conversation with Lord Clarendon, the British Foreign Secretary, of which he sent a full report to his own government. While the reported conversation was generally approved of in the government's dispatch acknowledging it, it was hinted that some of its expressions were stronger than were required by the instructions, and that one of its points was not conveyed in precise conformity with the President's view. The criticism was very gently worded, and the dispatch closed with a somewhat guarded paragraph repeating the government's approbation.

This was the first offence alleged against Mr. Motley. The second ground of complaint was that he had shown written minutes of this conversation to Lord Clarendon to obtain his confirmation of its exactness, and that he had--as he said, inadvertently,--omitted to make mention to the government of this circumstance until some weeks after the time of the interview.

He was requested to explain to Lord Clarendon that a portion of his presentation and treatment of the subject discussed at the interview immediately after his arrival was disapproved by the Secretary of State, and he did so in a written communication, in which he used the very words employed by Mr. Fish in his criticism of the conversation with Lord Clarendon. An alleged mistake; a temperate criticism, coupled with a general approval; a rectification of the mistake criticised. All this within the first two months of Mr. Motley's official residence in London.

No further fault was found with him, so far as appears, in the discharge of his duties, to which he must have devoted himself faithfully, for he writes to me, under the date of December 27, 1870: "I have worked harder in the discharge of this mission than I ever did in my life." This from a man whose working powers astonished the old Dutch archivist, Groen van Prinsterer, means a good deal.

More than a year had elapsed since the interview with Lord Clarendon, which had been the subject of criticism. In the mean time a paper of instructions was sent to Motley, dated September 25, 1869, in which the points in the report of his interview which had been found fault with are so nearly covered by similar expressions, that there seemed no real ground left for difference between the government and the minister. Whatever over-statement there had been, these new instructions would imply that the government was now ready to go quite as far as the minister had gone, and in some points to put the case still more strongly. Everything was going on quietly. Important business had been transacted, with no sign of distrust or discontent on the part of the government as regarded Motley. Whatever mistake he was thought to have committed was condoned by amicable treatment, neutralized by the virtual indorsement of the government in the instructions of the 25th of September, and obsolete as a ground of quarrel by lapse of time. The question about which the misunderstanding, if such it deserves to be

called, had taken place, was no longer a possible source of disagreement, as it had long been settled that the Alabama case should only be opened again at the suggestion of the British government, and that it should be transferred to Washington whenever that suggestion should again bring it up for consideration.

Such was the aspect of affairs at the American Legation in London.

No foreign minister felt more secure in his place than Mr. Motley.

"I thought myself," he says in the letter of December 27, "entirely in the confidence of my own government, and I know that I had the thorough confidence and the friendship of the leading personages in England."

All at once, on the first of July, 1870, a letter was written by the Secretary of State, requesting him to resign. This gentle form of violence is well understood in the diplomatic service. Horace Walpole says, speaking of Lady Archibald Hamilton: "They have civilly asked her and grossly forced her to ask civilly to go away, which she has done, with a pension of twelve hundred a year." Such a request is like the embrace of the "virgin" in old torture-chambers. She is robed in soft raiment, but beneath it are the knife-blades which are ready to lacerate and kill the victim, if he awaits the pressure of the machinery already in motion.

Mr. Motley knew well what was the logical order in an official execution, and saw fit to let the government work its will upon him as its servant. In November he was recalled.

The recall of a minister under such circumstances is an unusual if not an unprecedented occurrence. The government which appoints a citizen to represent the country at a foreign court assumes a very serious obligation to him. The next administration may turn him out and nothing will be thought of it. He may be obliged to ask for his passports and leave all at once if war is threatened between his own country and that which he represents. He may, of course, be recalled for gross misconduct. But his dismissal is very serious matter to him personally, and not to be thought of on the ground of passion or caprice. Marriage is a simple business, but divorce is a very different thing. The world wants to know the reason of it; the law demands its justification. It was a great blow to Mr. Motley, a cause of indignation to those who were interested in him, a surprise and a mystery to the world in general.

When he, his friends, and the public, all startled by this unexpected treatment, looked to find an explanation of it, one was found which seemed to many quite sufficient. Mr. Sumner had been prominent among those who had favored his appointment. A very serious breach had taken place between the President and Mr. Sumner on the important San Domingo question. It was a quarrel, in short, neither more nor less, at least so far as the President was concerned. The proposed San Domingo treaty had just been rejected by the Senate, on the thirtieth day of June, and immediately thereupon,--the very next day,--the letter requesting Mr. Motley's resignation was issued by the executive. This fact was interpreted as implying something more than a mere coincidence. It was thought that Sumner's friend, who had been supported by him as a candidate for high office, who shared many of his political ideas and

feelings, who was his intimate associate, his fellow-townsmen, his companion in scholarship and cultivation, his sympathetic co-laborer in many ways, had been accounted and dealt with as the ally of an enemy, and that the shaft which struck to the heart of the sensitive envoy had glanced from the 'aes triplex' of the obdurate Senator.

Mr. Motley wrote a letter to the Secretary of State immediately after his recall, in which he reviewed his relations with the government from the time of his taking office, and showed that no sufficient reason could be assigned for the treatment to which he had been subjected. He referred finally to the public rumor which assigned the President's hostility to his friend Sumner, growing out of the San Domingo treaty question, as the cause of his own removal, and to the coincidence between the dates of the rejection of the treaty and his dismissal, with an evident belief that these two occurrences were connected by something more than accident.

To this, a reply was received from the Secretary of State's office, signed by Mr. Fish, but so objectionable in its tone and expressions that it has been generally doubted whether the paper could claim anything more of the secretary's hand than his signature. It travelled back to the old record of the conversation with Lord Clarendon, more than a year and a half before, took up the old exceptions, warmed them over into grievances, and joined with them whatever the 'captatores verborum,' not extinct since Daniel Webster's time, could add to their number. This was the letter which was rendered so peculiarly offensive by a most undignified comparison which startled every well-bred reader. No answer was possible to such a letter, and the matter rested until the death of Mr. Motley caused it to be brought up once more for judgment.

The Honorable John Jay, in his tribute to the memory of Mr. Motley, read at a meeting of the New York Historical Society, vindicated his character against the attacks of the late executive in such a way as to leave an unfavorable impression as to the course of the government. Objection was made on this account to placing the tribute upon the minutes of the society. This led to a publication by Mr. Jay, entitled "Motley's Appeal to History," in which the propriety of the society's action is questioned, and the wrong done to him insisted upon and further illustrated.

The defence could not have fallen into better hands. Bearing a name which is, in itself, a title to the confidence of the American people, a diplomatist familiar with the rights, the customs, the traditions, the courtesies, which belong to the diplomatic service, the successor of Mr. Motley at Vienna, and therefore familiar with his official record, not self-made, which too commonly means half-made, but with careful training added to the instincts to which he had a right by inheritance, he could not allow the memory of such a scholar, of such a high-minded lover of his country, of so true a gentleman as Mr. Motley, to remain without challenge under the stigma of official condemnation. I must refer to Mr. Jay's memorial tribute as printed in the newspapers of the day, and to his "Appeal" published in "The International Review," for his convincing presentation of the case, and content myself with a condensed statement of the general and special causes of complaint against Mr. Motley, and

the explanations which suggest themselves, as abundantly competent to show the insufficiency of the reasons alleged by the government as an excuse for the manner in which he was treated.

The grounds of complaint against Mr. Motley are to be looked for:--

1. In the letter of Mr. Fish to Mr. Moran, of December 30, 1870.
2. In Mr. Bancroft Davis's letter to the New York "Herald" of January 4, 1878, entitled, "Mr. Sumner, the Alabama Claims and their Settlement."
3. The reported conversations of General Grant.
4. The reported conversations of Mr. Fish.

In considering Mr. Fish's letter, we must first notice its animus. The manner in which Dickens's two old women are brought in is not only indecorous, but it shows a state of feeling from which nothing but harsh interpretation of every questionable expression of Mr. Motley's was to be expected.

There is not the least need of maintaining the perfect fitness and rhetorical felicity of every phrase and every word used by him in his interview with Lord Clarendon. It is not to be expected that a minister, when about to hold a conversation with a representative of the government to which he is accredited, will commit his instructions to memory and recite them, like a school-boy "speaking his piece." He will give them more or less in his own language, amplifying, it may be, explaining, illustrating, at any rate paraphrasing in some degree, but endeavoring to convey an idea of their essential meaning. In fact, as any one can see, a conversation between two persons must necessarily imply a certain amount of extemporization on the part of both. I do not believe any long and important conference was ever had between two able men without each of them feeling that he had not spoken exactly in all respects as he would if he could say all over again.

Doubtless, therefore, Mr. Motley's report of his conversation shows that some of his expressions might have been improved, and others might as well have been omitted. A man does not change his temperament on taking office. General Jackson still swore "by the Eternal," and his illustrious military successor of a more recent period seems, by his own showing, to have been able to sudden impulses of excitement. It might be said of Motley, as it was said of Shakespeare by Ben Jonson, "aliquando sufflaminandus erat." Yet not too much must be made of this concession. Only a determination to make out a case could, as it seems to me, have framed such an indictment as that which the secretary constructed by stringing together a slender list of pretended peccadillos. One instance will show the extreme slightness which characterizes many of the grounds of inculpation:--

The instructions say, "The government, in rejecting the recent convention, abandons neither its own claims nor those of its citizens," etc.

Mr. Motley said, in the course of his conversation, "At present, the United States government, while withdrawing neither its national claims nor the claims of its individual citizens against the British government," etc.

Mr. Fish says, "The determination of this government not to abandon its claims nor those of its citizens was stated parenthetically, and in such a subordinate way as not necessarily to attract the attention of Lord Clarendon."

What reported conversation can stand a captious criticism like this? Are there not two versions of the ten commandments which were given out in the thunder and smoke of Sinai, and would the secretary hold that this would have been a sufficient reason to recall Moses from his "Divine Legation" at the court of the Almighty?

There are certain expressions which, as Mr. Fish shows them apart from their connection, do very certainly seem in bad taste, if not actually indiscreet and unjustifiable. Let me give an example:--

"Instead of expressing the hope entertained by this government that there would be an early, satisfactory, and friendly settlement of the questions at issue, he volunteered the unnecessary, and from the manner in which it was thrust in, the highly objectionable statement that the United States government had no insidious purposes," etc.

This sounds very badly as Mr. Fish puts it; let us see how it stands in its proper connection:--

"He [Lord Clarendon] added with some feeling, that in his opinion it would be highly objectionable that the question should be hung up on a peg, to be taken down at some convenient moment for us, when it might be difficult for the British government to enter upon its solution, and when they might go into the debate at a disadvantage. These were, as nearly as I can remember, his words, and I replied very earnestly that I had already answered that question when I said that my instructions were to propose as brief a delay as would probably be requisite for the cooling of passions and for producing the calm necessary for discussing the defects of the old treaty and a basis for a new one. The United States government had no insidious purposes," etc.

Is it not evident that Lord Clarendon suggested the idea which Mr. Motley repelled as implying an insidious mode of action? Is it not just as clear that Mr. Fish's way of reproducing the expression without the insinuation which called it forth is a practical misstatement which does Mr. Motley great wrong?

One more example of the method of wringing a dry cloth for drops of evidence ought to be enough to show the whole spirit of the paper.

Mr. Fish, in his instructions:--

"It might, indeed, well have occurred in the event of the selection by lot of the arbitrator or umpire in different cases, involving however precisely the same principles, that different awards, resting upon antagonistic principles, might have been made."

Mr. Motley, in the conversation with Lord Clarendon:--

"I called his lordship's attention to your very judicious suggestion that the throwing of the dice for umpires might bring about opposite decisions in cases arising out of identical principles. He agreed entirely that no principle was established by the treaty, but that the throwing of dice or drawing of lots was not a new invention on that occasion, but a not uncommon method in arbitrations. I only expressed the opinion that such an aleatory process seemed an unworthy method in arbitrations," etc.

Mr. Fish, in his letter to Mr. Moran:--

"That he had in his mind at that interview something else than his letter of instructions from this department would appear to be evident, when he says that 'he called his lordship's attention to your [my] very judicious suggestion that the throwing of dice for umpire might bring about opposite decisions.' The instructions which Mr. Motley received from me contained no suggestion about throwing of dice.' That idea is embraced in the suggestive words 'aleatory process' (adopted by Mr. Motley), but previously applied in a speech made in the Senate on the question of ratifying the treaty."

Charles Sumner's Speech on the Johnson-Clarendon Treaty, April 13, 1869:

"In the event of failure to agree, the arbitrator is determined 'by lot' out of two persons named by each side. Even if this aleatory proceeding were a proper device in the umpirage of private claims, it is strongly inconsistent with the solemnity which belongs to the present question."

It is "suggestive" that the critical secretary, so keen in detecting conversational inaccuracies, having but two words to quote from a printed document, got one of them wrong. But this trivial comment must not lead the careful reader to neglect to note how much is made of what is really nothing at all. The word aleatory, whether used in its original and limited sense, or in its derived extension as a technical term of the civil law, was appropriate and convenient; one especially likely to be remembered by any person who had read Mr. Sumner's speech,--and everybody had read it; the secretary himself doubtless got the suggestion of determining the question "by lot" from it. What more natural than that it should be used again when the subject of appealing to chance came up in conversation? It "was an excellent good word before it was ill-sorted," and we were fortunate in having a minister who was scholar enough to know what it meant. The language used by Mr. Motley conveyed the idea of his instructions plainly enough, and threw in a compliment to

their author which should have saved this passage at least from the wringing process. The example just given is, like the concession of belligerency to the insurgents by Great Britain, chiefly important as "showing animus."

It is hardly necessary to bring forward other instances of virtual misrepresentation. If Mr. Motley could have talked his conversation over again, he would very probably have changed some expressions. But he felt bound to repeat the interview exactly as it occurred, with all the errors to which its extemporaneous character exposed it. When a case was to be made out against him, the secretary wrote, December 30, 1870:

"Well might he say, as he did in a subsequent dispatch on the 15th of July, 1869, that he had gone beyond the strict letter of his instructions. He might have added, in direct opposition to their temper and spirit."

Of the same report the secretary had said, June 28, 1869: "Your general presentation and treatment of the several subjects discussed in that interview meet the approval of this department." This general approval is qualified by mild criticism of a single statement as not having been conveyed in "precise conformity" to the President's view. The minister was told he might be well content to rest the question on the very forcible presentation he had made of the American side of the question, and that if there were expressions used stronger than were required by his instructions, they were in the right direction. The mere fact that a minute of this conversation was confidentially submitted to Lord Clarendon in order that our own government might have his authority for the accuracy of the record, which was intended exclusively for its own use, and that this circumstance was overlooked and not reported to the government until some weeks afterward, are the additional charges against Mr. Motley. The submission of the dispatch containing an account of the interview, the secretary says, is not inconsistent with diplomatic usage, but it is inconsistent with the duty of a minister not to inform his government of that submission. "Mr. Motley submitted the draft of his No. 8 to Lord Clarendon, and failed to communicate that fact to his government." He did inform Mr. Fish, at any rate, on the 30th of July, and alleged "inadvertence" as the reason for his omission to do it before.

Inasmuch as submitting the dispatch was not inconsistent with diplomatic usage, nothing seems left to find fault with but the not very long delay in mentioning the fact, or in his making the note "private and confidential," as is so frequently done in diplomatic correspondence.

Such were the grounds of complaint. On the strength of the conversation which had met with the general approval of the government, tempered by certain qualifications, and of the omission to report immediately to the government the fact of its verification by Lord Clarendon, the secretary rests the case against Mr. Motley. On these grounds it was that, according to him, the President withdrew all right to discuss the Alabama question from the minister whose dismissal was now only a question of time. But other evidence comes in here.



Mr. Motley says:--

"It was, as I supposed, understood before my departure for England, although not publicly announced, that the so-called Alabama negotiations, whenever renewed, should be conducted at Washington, in case of the consent of the British government."

Mr. Sumner says, in his "Explanation in Reply to an Assault: "--

"The secretary in a letter to me at Boston, dated at Washington, October 9, 1869, informs me that the discussion of the question was withdrawn from London 'because (the italics are the secretary's) we think that when renewed it can be carried on here with a better prospect of settlement, than where the late attempt at a convention which resulted so disastrously and was conducted so strangely was had;' and what the secretary thus wrote he repeated in conversation when we met, carefully making the transfer to Washington depend upon our advantage here, from the presence of the Senate,--thus showing that the pretext put forth to wound Mr. Motley was an afterthought."

Again we may fairly ask how the government came to send a dispatch like that of September 25, 1869, in which the views and expressions for which Mr. Motley's conversation had been criticised were so nearly reproduced, and with such emphasis that Mr. Motley says, in a letter to me, dated April 8, 1871, "It not only covers all the ground which I ever took, but goes far beyond it. No one has ever used stronger language to the British government than is contained in that dispatch. . . . It is very able and well worth your reading. Lord Clarendon called it to me 'Sumner's speech over again.' It was thought by the English cabinet to have 'out-Sumnered Sumner,' and now our government, thinking that every one in the United States had forgotten the dispatch, makes believe that I was removed because my sayings and doings in England were too much influenced by Sumner!" Mr. Motley goes on to speak of the report that an offer of his place in England was made to Sumner "to get him out of the way of San Domingo." The facts concerning this offer are now sufficiently known to the public.

Here I must dismiss Mr. Fish's letter to Mr. Moran, having, as I trust, sufficiently shown the spirit in which it was written and the strained interpretations and manifest overstatements by which it attempts to make out its case against Mr. Motley. I will not parade the two old women, whose untimely and unseemly introduction into the dress-circle of diplomacy was hardly to have been expected of the high official whose name is at the bottom of this paper. They prove nothing, they disprove nothing, they illustrate nothing--except that a statesman may forget himself. Neither will I do more than barely allude to the unfortunate reference to the death of Lord Clarendon as connected with Mr. Motley's removal, so placidly disposed of by a sentence or two in the London "Times" of January 24, 1871. I think we may consider ourselves ready for the next witness.

Mr. J. C. Bancroft Davis, Assistant Secretary of State under President

Grant and Secretary Fish, wrote a letter to the New York "Herald," under the date of January 4, 1878, since reprinted as a pamphlet and entitled "Mr. Sumner, the Alabama Claims and their Settlement." Mr. Sumner was never successfully attacked when living,--except with a bludgeon,--and his friends have more than sufficiently vindicated him since his death. But Mr. Motley comes in for his share of animadversion in Mr. Davis's letter. He has nothing of importance to add to Mr. Fish's criticisms on the interview with Lord Clarendon. Only he brings out the head and front of Mr. Motley's offending by italicizing three very brief passages from his conversation at this interview; not discreetly, as it seems to me, for they will not bear the strain that is put upon them. These are the passages:--

1. "but that such, measures must always be taken with a full view of the grave responsibilities assumed."
2. "and as being the fountain head of the disasters which had been caused to the American people."
3. "as the fruits of the proclamation."

1. It is true that nothing was said of responsibility in Mr. Motley's instructions. But the idea was necessarily involved in their statements. For if, as Mr. Motley's instructions say, the right of a power "to define its own relations," etc., when a civil conflict has arisen in another state depends on its (the conflict's) having "attained a sufficient complexity, magnitude, and completeness," inasmuch as that Power has to judge whether it has or has not fulfilled these conditions, and is of course liable to judge wrong, every such act of judgment must be attended with grave responsibilities. The instructions say that "the necessity and propriety of the original concession of belligerency by Great Britain at the time it was made have been contested and are not admitted." It follows beyond dispute that Great Britain may in this particular case have incurred grave responsibilities; in fact, the whole negotiations implied as much. Perhaps Mr. Motley need not have used the word "responsibilities." But considering that the government itself said in dispatch No. 70, September 25, 1869, "The President does not deny, on the contrary he maintains, that every sovereign power decides for itself on its responsibility whether or not it will, at a given time, accord the status of belligerency," etc., it was hardly worth while to use italics about Mr. Motley's employment of the same language as constituting a grave cause of offence.

2. Mr. Motley's expression, "as being the fountain head of the disasters," is a conversational paraphrase of the words of his instructions, "as it shows the beginning and the animus of that course of conduct which resulted so disastrously," which is not "in precise conformity" with his instructions, but is just such a variation as is to be expected when one is talking with another and using the words that suggest themselves at the moment, just as the familiar expression, "hung up on a peg," probably suggested itself to Lord Clarendon.

3. "The fruits of the proclamation" is so inconsiderable a variation on the text of the instructions, "supplemented by acts causing direct damage," that the secretary's hint about want of precise conformity seems

hardly to have been called for.

It is important to notice this point in the instructions: With other powers Mr. Motley was to take the position that the "recognition of the insurgents' state of war" was made "no ground of complaint;" with Great Britain that the cause of grievance was "not so much" placed upon the issuance of this recognition as upon her conduct under, and subsequent to, such recognition.

There is no need of maintaining the exact fitness of every expression used by Mr. Motley. But any candid person who will carefully read the government's dispatch No. 70, dated September 25, 1869, will see that a government holding such language could find nothing in Mr. Motley's expressions in a conversation held at his first official interview to visit with official capital punishment more than a year afterwards. If Mr. Motley had, as it was pretended, followed Sumner, Mr. Fish had "out-Sumnered" the Senator himself.

Mr. Davis's pamphlet would hardly be complete without a mysterious letter from an unnamed writer, whether a faithless friend, a disguised enemy, a secret emissary, or an injudicious alarmist, we have no means of judging for ourselves. The minister appears to have been watched by somebody in London, as he was in Vienna. This somebody wrote a private letter in which he expressed "fear and regret that Mr. Motley's bearing in his social intercourse was throwing obstacles in the way of a future settlement." The charge as mentioned in Mr. Davis's letter is hardly entitled to our attention. Mr. Sumner considered it the work of an enemy, and the recollection of the M'Crackin letter might well have made the government cautious of listening to complaints of such a character. This Somebody may have been one whom we should call Nobody. We cannot help remembering how well 'Outis' served 'Odusseus' of old, when he was puzzled to extricate himself from an embarrassing position. 'Stat nominis umbra' is a poor showing for authority to support an attack on a public servant exposed to every form of open and insidious abuse from those who are prejudiced against his person or his birthplace, who are jealous of his success, envious of his position, hostile to his politics, dwarfed by his reputation, or hate him by the divine right of idiosyncrasy, always liable, too, to questioning comment from well-meaning friends who happen to be suspicious or sensitive in their political or social relations.

The reported sayings of General Grant and of Mr. Fish to the correspondents who talked with them may be taken for what they are worth. They sound naturally enough to have come from the speakers who are said to have uttered them. I quote the most important part of the Edinburgh letter, September 11, 1877, to the New York "Herald." These are the words attributed to General Grant:--

"Mr. Motley was certainly a very able, very honest gentleman, fit to hold any official position. But he knew long before he went out that he would have to go. When I was making these appointments, Mr. Sumner came to me and asked me to appoint Mr. Motley as minister to the court of St. James. I told him I would, and did. Soon after

Mr. Sumner made that violent speech about the Alabama claims, and the British government was greatly offended. Mr. Sumner was at the time chairman of the committee on foreign affairs. Mr. Motley had to be instructed. The instructions were prepared very carefully, and after Governor Fish and I had gone over them for the last time I wrote an addendum charging him that above all things he should handle the subject of the Alabama claims with the greatest delicacy. Mr. Motley instead of obeying his explicit instructions, deliberately fell in line with Sumner, and thus added insult to the previous injury. As soon as I heard of it I went over to the State Department and told Governor Fish to dismiss Motley at once. I was very angry indeed, and I have been sorry many a time since that I did not stick to my first determination. Mr. Fish advised delay because of Sumner's position in the Senate and attitude on the treaty question. We did not want to stir him up just then. We dispatched a note of severe censure to Motley at once and ordered him to abstain from any further connection with that question. We thereupon commenced negotiations with the British minister at Washington, and the result was the joint high commission and the Geneva award. I supposed Mr. Motley would be manly enough to resign after that snub, but he kept on till he was removed. Mr. Sumner promised me that he would vote for the treaty. But when it was before the Senate he did all he could to beat it."

General Grant talked again at Cairo, in Egypt.

"Grant then referred to the statement published at an interview with him in Scotland, and said the publication had some omissions and errors. He had no ill-will towards Mr. Motley, who, like other estimable men, made mistakes, and Motley made a mistake which made him an improper person to hold office under me."

"It is proper to say of me that I killed Motley, or that I made war upon Sumner for not supporting the annexation of San Domingo. But if I dare to answer that I removed Motley from the highest considerations of duty as an executive; if I presume to say that he made a mistake in his office which made him no longer useful to the country; if Fish has the temerity to hint that Sumner's temper was so unfortunate that business relations with him became impossible, we are slandering the dead."

"Nothing but Mortimer." Those who knew both men--the Ex-President and the late Senator--would agree, I do not doubt, that they would not be the most promising pair of human beings to make harmonious members of a political happy family. "Cedant arma togae," the life-long sentiment of Sumner, in conflict with "Stand fast and stand sure," the well-known device of the clan of Grant, reminds one of the problem of an irresistible force in collision with an insuperable resistance. But the President says,--or is reported as saying,--"I may be blamed for my opposition to Mr. Sumner's tactics, but I was not guided so much by reason of his personal hatred of myself, as I was by a desire to protect our national interests in diplomatic affairs."

"It would be useless," says Mr. Davis in his letter to the "Herald," "to enter into a controversy whether the President may or may not have been influenced in the final determination of the moment for requesting Motley's resignation by the feeling caused by Sumner's personal hostility and abuse of himself." Unfortunately, this controversy had been entered into, and the idleness of suggesting any relation of cause and effect between Mr. Motley's dismissal and the irritation produced in the President's mind by the rejection of the San Domingo treaty--which rejection was mainly due to Motley's friend Sumner's opposition--strongly insisted upon in a letter signed by the Secretary of State. Too strongly, for here it was that he failed to remember what was due to his office, to himself, and to the gentleman of whom he was writing; if indeed it was the secretary's own hand which held the pen, and not another's.

We might as well leave out the wrath of Achilles from the Iliad, as the anger of the President with Sumner from the story of Motley's dismissal. The sad recital must always begin with M------. He was, he is reported as saying, "very angry indeed" with Motley because he had, fallen in line with Sumner. He couples them together in his conversation as closely as Chang and Eng were coupled. The death of Lord Clarendon would have covered up the coincidence between the rejection of the San Domingo treaty and Mr. Motley's dismissal very neatly, but for the inexorable facts about its date, as revealed by the London "Times." It betrays itself as an afterthought, and its failure as a defence reminds us too nearly of the trial in which Mr. Webster said suicide is confession.

It is not strange that the spurs of the man who had so lately got out of the saddle should catch in the scholastic robe of the man on the floor of the Senate. But we should not have looked for any such antagonism between the Secretary of State and the envoy to Great Britain. On the contrary, they must have had many sympathies, and it must have cost the secretary pain, as he said it did, to be forced to communicate with Mr. Moran instead of with Mr. Motley.

He, too, was inquired of by one of the emissaries of the American Unholy Inquisition. His evidence is thus reported:

"The reason for Mr. Motley's removal was found in considerations of state. He misrepresented the government on the Alabama question, especially in the two speeches made by him before his arrival at his post."

These must be the two speeches made to the American and the Liverpool chambers of commerce. If there is anything in these short addresses beyond those civil generalities which the occasion called out, I have failed to find it. If it was in these that the reason of Mr. Motley's removal was to be looked for, it is singular that they are not mentioned in the secretary's letter to Mr. Moran, or by Mr. Davis in his letter to the New York "Herald." They must have been as unsuccessful as myself in the search after anything in these speeches which could be construed into misinterpretation of the government on the Alabama question.

We may much more readily accept "considerations of state" as a reason for Mr. Motley's removal. Considerations of state have never yet failed the axe or the bowstring when a reason for the use of those convenient implements was wanted, and they are quite equal to every emergency which can arise in a republican autocracy. But for the very reason that a minister is absolutely in the power of his government, the manner in which that power is used is always open to the scrutiny, and, if it has been misused, to the condemnation, of a tribunal higher than itself; a court that never goes out of office, and which no personal feelings, no lapse of time, can silence.

The ostensible grounds on which Mr. Motley was recalled are plainly insufficient to account for the action of the government. If it was in great measure a manifestation of personal feeling on the part of the high officials by whom and through whom the act was accomplished, it was a wrong which can never be repaired and never sufficiently regretted.

Stung by the slanderous report of an anonymous eavesdropper to whom the government of the day was not ashamed to listen, he had quitted Vienna, too hastily, it may be, but wounded, indignant, feeling that he had been unworthily treated. The sudden recall from London, on no pretext whatever but an obsolete and overstated incident which had ceased to have any importance, was under these circumstances a deadly blow. It fell upon "the new-healed wound of malice," and though he would not own it, and bore up against it, it was a shock from which he never fully recovered.

"I hope I am one of those," he writes to me from the Hague, in 1872, "who 'fortune's buffets and rewards can take with equal thanks.' I am quite aware that I have had far more than I deserve of political honors, and they might have had my post as a voluntary gift on my part had they remembered that I was an honorable man, and not treated me as a detected criminal deserves to be dealt with."

Mr. Sumner naturally felt very deeply what he considered the great wrong done to his friend. He says:--

"How little Mr. Motley merited anything but respect and courtesy from the secretary is attested by all who know his eminent position in London, and the service he rendered to his country. Already the London press, usually slow to praise Americans when strenuous for their country, has furnished its voluntary testimony. The 'Daily News' of August 16, 1870, spoke of the insulted minister in these terms:--

"We are violating no confidence in saying that all the hopes of Mr. Motley's official residence in England have been amply fulfilled, and that the announcement of his unexpected and unexplained recall was received with extreme astonishment and unfeigned regret. The vacancy he leaves cannot possibly be filled by a minister more sensitive to the honor of his government, more attentive to the interests of his country, and more capable of uniting the most

vigorous performance of his public duties with the high-bred courtesy and conciliatory tact and temper that make those duties easy and successful. Mr. Motley's successor will find his mission wonderfully facilitated by the firmness and discretion that have presided over the conduct of American affairs in this country during too brief a term, too suddenly and unaccountably concluded."

No man can escape being found fault with when it is necessary to make out a case against him. A diplomatist is watched by the sharpest eyes and commented on by the most merciless tongues. The best and wisest has his defects, and sometimes they would seem to be very grave ones if brought up against him in the form of accusation. Take these two portraits, for instance, as drawn by John Quincy Adams. The first is that of Stratford Canning, afterwards Lord Stratford de Redcliffe:--

"He is to depart to-morrow. I shall probably see him no more. He is a proud, high-tempered Englishman, of good but not extraordinary parts; stubborn and punctilious, with a disposition to be overbearing, which I have often been compelled to check in its own way. He is, of all the foreign ministers with whom I have had occasion to treat, the man who has most severely tried my temper. Yet he has been long in the diplomatic career, and treated with governments of the most opposite characters. He has, however, a great respect for his word, and there is nothing false about him. This is an excellent quality for a negotiator. Mr. Canning is a man of forms, studious of courtesy, and tenacious of private morals. As a diplomatic man, his great want is suppleness, and his great virtue is sincerity."

The second portrait is that of the French minister, Hyde de Neuville:--

"No foreign minister who ever resided here has been so universally esteemed and beloved, nor have I ever been in political relations with any foreign statesman of whose moral qualities I have formed so good an opinion, with the exception of Count Romanzoff. He has not sufficient command of his temper, is quick, irritable, sometimes punctilious, occasionally indiscreet in his discourse, and tainted with Royalist and Bourbon prejudices. But he has strong sentiments of honor, justice, truth, and even liberty. His flurries of temper pass off as quickly as they rise. He is neither profound nor sublime nor brilliant; but a man of strong and good feelings, with the experience of many vicissitudes of fortune, a good but common understanding, and good intentions biassed by party feelings, occasional interests, and personal affections."

It means very little to say that a man has some human imperfections, or that a public servant might have done some things better. But when a questionable cause is to be justified, the victim's excellences are looked at with the eyes of Liliput and his failings with those of Brobdingnag.

The recall of a foreign minister for alleged misconduct in office is a kind of capital punishment. It is the nearest approach to the Sultan's

bowstring which is permitted to the chief magistrate of our Republic. A general can do nothing under martial law more peremptory than a President can do with regard to the public functionary whom he has appointed with the advice and consent of the Senate, but whom he can officially degrade and disgrace at his own pleasure for insufficient cause or for none at all. Like the centurion of Scripture, he says Go, and he goeth. The nation's representative is less secure in his tenure of office than his own servant, to whom he must give warning of his impending dismissal.

"A breath unmakes him as a breath has made."

The chief magistrate's responsibility to duty, to the fellow-citizen at his mercy, to his countrymen, to mankind, is in proportion to his power. His prime minister, the agent of his edicts, should feel bound to withstand him if he seeks to gratify a personal feeling under the plea of public policy, unless the minister, like the slaves of the harem, is to find his qualification for office in leaving his manhood behind him.

The two successive administrations, which treated Mr. Motley in a manner unworthy of their position and cruel, if not fatal to him, have been heard, directly or through their advocates. I have attempted to show that the defence set up for their action is anything but satisfactory. A later generation will sit in judgment upon the evidence more calmly than our own. It is not for a friend, like the writer, to anticipate its decision, but unless the reasons alleged to justify his treatment, and which have so much the air of afterthoughts, shall seem stronger to that future tribunal than they do to him, the verdict will be that Mr. Motley was twice sacrificed to personal feelings which should never have been cherished by the heads of the government, and should never have been countenanced by their chief advisers.

ETEXT EDITOR'S BOOKMARKS:

A great historian is almost a statesman  
Admired or despised, as if he or she were our contemporary  
Alas! one never knows when one becomes a bore  
American Unholy Inquisition  
best defence in this case is little better than an impeachment  
But after all this isn't a war It is a revolution  
Can never be repaired and never sufficiently regretted  
Considerations of state as a reason  
Considerations of state have never yet failed the axe  
Everything else may happen This alone must happen  
Fortune's buffets and rewards can take with equal thanks  
He was not always careful in the construction of his sentences  
In revolutions the men who win are those who are in earnest  
Irresistible force in collision with an insuperable resistance  
It is n't strategists that are wanted so much as believers  
John Quincy Adams



Manner in which an insult shall be dealt with  
Motley was twice sacrificed to personal feelings  
No man is safe (from news reporters)  
Our mortal life is but a string of guesses at the future  
Played so long with other men's characters and good name  
Progress should be by a spiral movement  
Public which must have a slain reputation to devour  
Reasonable to pay our debts rather than to repudiate them  
Recall of a foreign minister for alleged misconduct in office  
Shall Slavery die, or the great Republic?  
Suicide is confession  
The nation is as much bound to be honest as is the individual  
This Somebody may have been one whom we should call Nobody  
Unequivocal policy of slave emancipation  
Wringing a dry cloth for drops of evidence

[The End]

\*\*\*\*\*

The Project Gutenberg Etext of The Memoir of John Lothrop Motley, v2  
\*\*\*\*\*This file should be named oh12v10.txt or oh12v10.zip\*\*\*\*\*

Corrected EDITIONS of our etexts get a new NUMBER, oh12v11.txt  
VERSIONS based on separate sources get new LETTER, oh12v10a.txt

This etext was produced by David Widger <widger@cecomet.net>

More information about this book is at the top of this file.

We are now trying to release all our etexts one year in advance  
of the official release dates, leaving time for better editing.  
Please be encouraged to tell us about any error or corrections,  
even years after the official publication date.

Please note neither this listing nor its contents are final til  
midnight of the last day of the month of any such announcement.  
The official release date of all Project Gutenberg Etexts is at  
Midnight, Central Time, of the last day of the stated month. A  
preliminary version may often be posted for suggestion, comment  
and editing by those who wish to do so.

Most people start at our Web sites at:  
<http://gutenberg.net> or  
<http://promo.net/pg>

These Web sites include award-winning information about Project  
Gutenberg, including how to donate, how to help produce our new  
etexts, and how to subscribe to our email newsletter (free!).

Those of you who want to download any Etext before announcement can get to them as follows, and just download by date. This is also a good way to get them instantly upon announcement, as the indexes our cataloguers produce obviously take a while after an announcement goes out in the Project Gutenberg Newsletter.

<http://www.ibiblio.org/gutenberg/etext03> or  
<ftp://ftp.ibiblio.org/pub/docs/books/gutenberg/etext03>

Or /etext02, 01, 00, 99, 98, 97, 96, 95, 94, 93, 92, 91 or 90

Just search by the first five letters of the filename you want, as it appears in our Newsletters.

Information about Project Gutenberg (one page)

We produce about two million dollars for each hour we work. The time it takes us, a rather conservative estimate, is fifty hours to get any eBook selected, entered, proofread, edited, copyright searched and analyzed, the copyright letters written, etc. Our projected audience is one hundred million readers. If the value per text is nominally estimated at one dollar then we produce \$2 million dollars per hour in 2002 as we release over 100 new text files per month: 1240 more eBooks in 2001 for a total of 4000+ We are already on our way to trying for 2000 more eBooks in 2002 If they reach just 1-2% of the world's population then the total will reach over half a trillion eBooks given away by year's end.

The Goal of Project Gutenberg is to Give Away 1 Trillion eBooks! This is ten thousand titles each to one hundred million readers, which is only about 4% of the present number of computer users.

Here is the briefest record of our progress (\* means estimated):

eBooks Year Month

1	1971	July
10	1991	January
100	1994	January
1000	1997	August
1500	1998	October
2000	1999	December
2500	2000	December
3000	2001	November
4000	2001	October/November
6000	2002	December*
9000	2003	November*
10000	2004	January*

The Project Gutenberg Literary Archive Foundation has been created

to secure a future for Project Gutenberg into the next millennium.

We need your donations more than ever!

As of February, 2002, contributions are being solicited from people and organizations in: Alabama, Alaska, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

We have filed in all 50 states now, but these are the only ones that have responded.

As the requirements for other states are met, additions to this list will be made and fund raising will begin in the additional states. Please feel free to ask to check the status of your state.

In answer to various questions we have received on this:

We are constantly working on finishing the paperwork to legally request donations in all 50 states. If your state is not listed and you would like to know if we have added it since the list you have, just ask.

While we cannot solicit donations from people in states where we are not yet registered, we know of no prohibition against accepting donations from donors in these states who approach us with an offer to donate.

International donations are accepted, but we don't know ANYTHING about how to make them tax-deductible, or even if they CAN be made deductible, and don't have the staff to handle it even if there are ways.

The most recent list of states, along with all methods for donations (including credit card donations and international donations), may be found online at <http://www.gutenberg.net/donation.html>

Donations by check or money order may be sent to:

Project Gutenberg Literary Archive Foundation  
PMB 113  
1739 University Ave.  
Oxford, MS 38655-4109

Contact us if you want to arrange for a wire transfer or payment method other than by check or money order.

The Project Gutenberg Literary Archive Foundation has been approved by the US Internal Revenue Service as a 501(c)(3) organization with EIN [Employee Identification Number] 64-622154. Donations are tax-deductible to the maximum extent permitted by law. As fund-raising requirements for other states are met, additions to this list will be made and fund-raising will begin in the additional states.

We need your donations more than ever!

You can get up to date donation information at:

<http://www.gutenberg.net/donation.html>

\*\*\*

If you can't reach Project Gutenberg,  
you can always email directly to:

Michael S. Hart <[hart@pobox.com](mailto:hart@pobox.com)>

Prof. Hart will answer or forward your message.

We would prefer to send you information by email.

**\*\*The Legal Small Print\*\***

(Three Pages)

**\*\*\*START\*\*THE SMALL PRINT!\*\*FOR PUBLIC DOMAIN ETEXTS\*\*START\*\*\***

Why is this "Small Print!" statement here? You know: lawyers. They tell us you might sue us if there is something wrong with your copy of this etext, even if you got it for free from someone other than us, and even if what's wrong is not our fault. So, among other things, this "Small Print!" statement disclaims most of our liability to you. It also tells you how you may distribute copies of this etext if you want to.

**\*BEFORE!\* YOU USE OR READ THIS ETEXT**

By using or reading any part of this PROJECT GUTENBERG-tm etext, you indicate that you understand, agree to and accept this "Small Print!" statement. If you do not, you can receive a refund of the money (if any) you paid for this etext by sending a request within 30 days of receiving it to the person you got it from. If you received this etext on a physical medium (such as a disk), you must return it with your request.

**ABOUT PROJECT GUTENBERG-TM ETEXTS**

This PROJECT GUTENBERG-tm etext, like most PROJECT GUTENBERG-tm etexts, is a "public domain" work distributed by Professor Michael S. Hart through the Project Gutenberg Association (the "Project").

Among other things, this means that no one owns a United States copyright on or for this work, so the Project (and you!) can copy and distribute it in the United States without permission and without paying copyright royalties. Special rules, set forth below, apply if you wish to copy and distribute this etext under the "PROJECT GUTENBERG" trademark.

Please do not use the "PROJECT GUTENBERG" trademark to market any commercial products without permission.

To create these etexts, the Project expends considerable efforts to identify, transcribe and proofread public domain works. Despite these efforts, the Project's etexts and any medium they may be on may contain "Defects". Among other things, Defects may take the form of incomplete, inaccurate or corrupt data, transcription errors, a copyright or other intellectual property infringement, a defective or damaged disk or other etext medium, a computer virus, or computer codes that damage or cannot be read by your equipment.

#### LIMITED WARRANTY; DISCLAIMER OF DAMAGES

But for the "Right of Replacement or Refund" described below, [1] Michael Hart and the Foundation (and any other party you may receive this etext from as a PROJECT GUTENBERG-tm etext) disclaims all liability to you for damages, costs and expenses, including legal fees, and [2] YOU HAVE NO REMEDIES FOR NEGLIGENCE OR UNDER STRICT LIABILITY, OR FOR BREACH OF WARRANTY OR CONTRACT, INCLUDING BUT NOT LIMITED TO INDIRECT, CONSEQUENTIAL, PUNITIVE OR INCIDENTAL DAMAGES, EVEN IF YOU GIVE NOTICE OF THE POSSIBILITY OF SUCH DAMAGES.

If you discover a Defect in this etext within 90 days of receiving it, you can receive a refund of the money (if any) you paid for it by sending an explanatory note within that time to the person you received it from. If you received it on a physical medium, you must return it with your note, and such person may choose to alternatively give you a replacement copy. If you received it electronically, such person may choose to alternatively give you a second opportunity to receive it electronically.

THIS ETEXT IS OTHERWISE PROVIDED TO YOU "AS-IS". NO OTHER WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, ARE MADE TO YOU AS TO THE ETEXT OR ANY MEDIUM IT MAY BE ON, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

Some states do not allow disclaimers of implied warranties or the exclusion or limitation of consequential damages, so the above disclaimers and exclusions may not apply to you, and you may have other legal rights.

#### INDEMNITY

You will indemnify and hold Michael Hart, the Foundation, and its trustees and agents, and any volunteers associated with the production and distribution of Project Gutenberg-tm texts harmless, from all liability, cost and expense, including legal fees, that arise directly or indirectly from any of the following that you do or cause: [1] distribution of this etext, [2] alteration, modification, or addition to the etext, or [3] any Defect.

#### DISTRIBUTION UNDER "PROJECT GUTENBERG-tm"

You may distribute copies of this etext electronically, or by disk, book or any other medium if you either delete this "Small Print!" and all other references to Project Gutenberg, or:

- [1] Only give exact copies of it. Among other things, this requires that you do not remove, alter or modify the etext or this "small print!" statement. You may however, if you wish, distribute this etext in machine readable binary, compressed, mark-up, or proprietary form, including any form resulting from conversion by word processing or hypertext software, but only so long as \*EITHER\*:
- [\*] The etext, when displayed, is clearly readable, and does \*not\* contain characters other than those intended by the author of the work, although tilde (~), asterisk (\*) and underline (\_) characters may be used to convey punctuation intended by the author, and additional characters may be used to indicate hypertext links; OR
- [\*] The etext may be readily converted by the reader at no expense into plain ASCII, EBCDIC or equivalent form by the program that displays the etext (as is the case, for instance, with most word processors); OR
- [\*] You provide, or agree to also provide on request at no additional cost, fee or expense, a copy of the etext in its original plain ASCII form (or in EBCDIC or other equivalent proprietary form).
- [2] Honor the etext refund and replacement provisions of this "Small Print!" statement.
- [3] Pay a trademark license fee to the Foundation of 20% of the gross profits you derive calculated using the method you already use to calculate your applicable taxes. If you don't derive profits, no royalty is due. Royalties are payable to "Project Gutenberg Literary Archive Foundation" the 60 days following each date you prepare (or were legally required to prepare) your annual (or equivalent

periodic) tax return. Please contact us beforehand to let us know your plans and to work out the details.

#### WHAT IF YOU \*WANT\* TO SEND MONEY EVEN IF YOU DON'T HAVE TO?

Project Gutenberg is dedicated to increasing the number of public domain and licensed works that can be freely distributed in machine readable form.

The Project gratefully accepts contributions of money, time, public domain materials, or royalty free copyright licenses.

Money should be paid to the:

"Project Gutenberg Literary Archive Foundation."

If you are interested in contributing scanning equipment or software or other items, please contact Michael Hart at: hart@pobox.com

[Portions of this header are copyright (C) 2001 by Michael S. Hart and may be reprinted only when these Etexts are free of all fees.]

[Project Gutenberg is a TradeMark and may not be used in any sales of Project Gutenberg Etexts or other materials be they hardware or software or any other related product without express permission.]

\*END THE SMALL PRINT! FOR PUBLIC DOMAIN ETEXTS\*Ver.10/04/01\*END\*

End of the Project Gutenberg etext of The Memoir of John L. Motley, v2 by Oliver Wendell Holmes, Sr.

h tilde

(~), asterisk (\*) and underline ( \_ ) characters may

be used to convey punctuation intended by the

author, and additional characters may be used to

indicate hypertext links; OR

[\*] The etext may be readily converted by the reader at

no expense into plain ASCII, EBCDIC or equivalent

form by the program that displays the etext (as is

the case, for instance, with most word processors);

OR

[\*] You provide, or agree to also provide on request at

no additional cost, fee or expense, a copy of the  
etext in its original plain ASCII form (or in EBCDIC  
or other equivalent proprietary form).

[2] Honor the etext refund and replacement provisions of this  
"Small Print!" statement.

[3] Pay a trademark license fee to the Foundation of 20% of the  
gross profits you derive calculated using the method you  
already use to calculate your applicable taxes. If you  
don't derive profits, no royalty is due. Royalties are  
payable to "Project Gutenberg Literary Archive Foundation"  
the 60 days following each date you prepare (or were  
legally required to prepare) your annual (or equivalent  
periodic) tax return. Please contact us beforehand to  
let us know your plans and to work out the details.

WHAT IF YOU \*WANT\* TO SEND MONEY EVEN IF YOU DON'T HAVE TO?

Project Gutenberg is dedicated to increasing the number of  
public domain and licensed works that can be freely distributed  
in machine readable form.

The Project gratefully accepts contributions of money, time,  
public domain materials, or royalty free copyright licenses.

Money should be paid to the:

"Project Gutenberg Literary Archive Foundation."



If you are interested in con