

the subject. He was admitted counsel the following spring. Hamilton, as was mentioned of Burr, was benefited by the Act of the Legislature excluding Tory lawyers from practice. He came to New York, and was soon doing a large business. An opportunity occurred in his early career which enabled him to take a stand among the leading members of the bar, and a case, too, peculiarly adapted to the training and bent of his intellect. How many a young lawyer has pined away years of his life without ever being able to have a case of importance enough to attract the attention of his fellow lawyers or of the public, and whose professional reputation seems to have been circumscribed by a cordon of circumstances by him wholly uncontrollable! A physician needs no startling case to bring practice and fame; he can win his way, if he has ability and science, to a full practice and eminence by persistent effort; but a lawyer must have something to bring him markedly before the public, or he must have influential and what, for want of a more appropriate word, may be called affirmative friends.

A law was passed by the Legislature providing that the owners of stores and houses in New York could recover rent of the tenants who had occupied the premises while the city was in possession of the British, without regard to confiscation or a payment of rent to the owner who had purchased under the British rule.

Hamilton was employed for the defence in an action under this statute. He took the ground, with boldness and courage, that the law was nugatory, and that, by the treaty of peace and the law of nations, all claims that originated under the belligerent occupation of the city were thereby cancelled. It is much to be regretted that his argument has not been preserved; it must have been exhaustive and cogent, for the Court, with marked reluctance, decided in favor of his position. As analogous cases will arise after the present war is ended, such an argument, from one of the fathers of the Revolution and the Constitution, would be most valuable. Public indignation was aroused by the decision of the Court, and a public meeting was called on the subject; but it had no effect, for all the other causes, and they were numerous, were abandoned after this decision.

In 1786, Hamilton, after having served in the Legislature, was sent to the Second Continental Congress at Annapolis as a delegate, and in the succeeding year was also elected by the Legislature a delegate to the Congress at Philadelphia, in which the Constitution was first proposed. In the same year appeared the first number of those celebrated and able papers, the *Federalist*. To their sound reasoning, perspicuous style, and convincing argument, must be attributed the subsequent adoption of the Constitution by the State of New York. At this present time, when there is an upheaving of the very elements of popular liberty, when crude and undisciplined minds are daily doling out their milk-and-water views of the Constitution, and the Union is convulsed to its very centre, Congress could do no better thing than to republish those papers, and strew them broadcast over the land. The people, and political and partisan editors, could alike learn the great philosophical and political truths from whose parturition the Federal Constitution was born.

Hamilton succeeded Robert Morris as the "Manager of Finance," under the Colonial Congress, and was selected by President Washington as his Secretary of the Treasury, on the inauguration of the Government. Of his financial policy it is not necessary, nor will the space allowed for this article permit me to write. At that time, and for years afterwards, his plans met alike the wants and necessities of the Government, and received the fullest approbation of the financial and business community. His plan of an United States Bank was adopted, and continued to control, not only the finances of the Government, but all the private business of the country, till Jackson, backed by the Democratic party, vetoed its recharter.

Hamilton himself probably never, with all his sagacity, saw that such an institution, in the hands of ambitious and unscrupulous men, would eventually actually rule the country. His reports and numerous papers on the subject of finance might well be perused now by all students of political economy, especially as the monetary affairs of the Government are fast drifting to an unknown sea.

On the first division of political parties, Hamilton became the real, though John Adams was the nominal, head of the Federal party. Before this, he and Burr had very often been associated as counsel in the same cases, but political differences then involved personal estrangement; but, more than that, the Federal lawyers held a private meeting and resolved not to be associated with Democratic lawyers. This resolution was rigidly carried out towards Col. Burr. This action of the Federal lawyers did more to advance Burr's business than any other cause, for, in nearly every case of importance in which Hamilton was employed, Burr was retained on the opposite side.

That the former was a remarkable lawyer cotemporary history testifies; but, unfortunately, so few facts are detailed of his professional career, and many years have elapsed nearly sixty—since his demise, that it is impossible to gather the opinions of his fellow lawyers, as few, if any, now survive. His reputation as an advocate and orator has survived, and that he was unsurpassed in these essentials of success, there is little question. He was employed in many and important cases, and though his strictly professional career was comparatively short, he was certainly ranked in the first class of the lawyers of his day.

Allowing that his intellectual powers were equal to Burr's, the fact that while Burr was studying, and was constantly in full practice, Hamilton was in the Continental Congress or the Cabinet, leads us to the conclusion, almost inevitably, that he was not Burr's equal as a lawyer. The physical and mental organization of man is such that he cannot scatter his powers over a mass of important subjects, and then surpass or equal a man of equal mind who has given his sole attention to one subject in that subject; and there is no evidence that Hamilton was an exception to the general rule. His military and political fame, his known and appreciated talents, and his powerful and extended social position would have made a successful lawyer.

It is unnecessary, and not pertinent, to open here the controversy in relation to the fatal duel between Burr and Hamilton. Personal and political animosity was strong between them, both were men of a high sense of honor, and of unquestioned personal courage. Duelling was then the recognized mode by which gentlemen, and especially officers, settled their difficulties. Burr believed that Hamilton's remarks were an insult, and he challenged him. Hamilton was, in principle opposed to duelling, but had not the moral courage to face the opinion of the public, and he accepted the challenge, and the duel was fought on the Banks of the Hudson, at Weehawken; Hamilton fell at the first fire, mortally wounded, dying shortly afterwards, on the 12th of July, 1804. He fell, not only a victim to a barbarous custom, but a false and cruel public opinion, in the prime of his manhood, and in the midst of his usefulness.

In personal appearance he was not unlike his great rival. He was under the medium size; his figure was slight, but compact and nervous. He was well proportioned, his complexion was clear and his cheeks rosy. He bore constantly a cheerful and pleasant countenance, and though affable to all, he was dignified. His motions and movements were graceful, and his manners frank and cordial. His voice was clear, sonorous and musical. His forehead was well developed, and his head was large and well shaped. His, too, was one of those forms and faces which seem to shadow the character of the man, and to impress on all a claim to superiority.