

REPORT OF THE COUNCIL.

THE committee chosen to visit the library report that it is in excellent condition. The courtesy and fidelity of the Librarian have made it exceedingly useful to the members and to the public.

The Society was represented at the recent 200th anniversary of the founding of Yale College, by Vice-President Edward E. Hale, D.D., and Frederick J. Kingsbury, LL.D.

The Council deem it expedient that a Biographer be appointed by the Council, whose duty it shall be to prepare or procure suitable biographical notices of deceased members.

Notices of deceased members, Hon. William Wirt Henry of Virginia, and of the Hon. Cushman Kellogg Davis of Minnesota, are promised for the Proceedings.

Cushman Kellogg Davis was born at Henderson, Jefferson County, New York, June 16, 1838, and died at St. Paul, Minnesota, November 27, 1900. On his mother's side he was descended from Robert Cushman and Mary Allerton, the last survivor of the company which came over in the Mayflower. He was graduated at the University of Michigan in 1857, and admitted to the Bar shortly before the breaking out of the Civil War. He enlisted at the beginning of the War and served as First Lieutenant of Company B, Eighth Wisconsin Regiment, until 1864, when he was compelled by physical infirmity to resign his commission. He was an excellent soldier. He sustained an injury to one of his eyes, which caused him much pain through life, until a few years before his death he lost the sight of that eye altogether.

After his return from the war, he began the practice of the law anew, in which he gained great distinction. For many years, and until his death, he was the acknowledged leader of the Bar of his State. He was a member of the State Legislature of Minnesota in 1867, United States District Attorney from 1868 till 1873, and Governor of the State in 1874 and 1875. He was one of the Regents of the State University of Minnesota from 1892 to 1898. In 1887 he was elected United States Senator, and re-elected in 1893 and 1899. He held the office of Senator until his death. He was Chairman of the Committee on Foreign Relations from March, 1897, till his death. He was one of the Commissioners who negotiated the Treaty of Paris with Spain.

He was a great lover of books, of which he had a costly collection. He knew Shakespeare very thoroughly, and was the author of a book called "The Law of Shakespeare."

He was also a zealous and thorough student of the career of Napoleon, whose civic and military career he greatly admired. His mind was a marvellous storehouse of literary gems which were unknown to most scholars, but rewarded his diligent search and loving study of his books.

Many good stories are told by his companions of the Bar and in public life of his apt quotations. It is said that he once defended a judge in an impeachment case. The point involved was the power of the court to punish for contempt, and Davis stated in support of his position the splendid and well-known lines of Henry the Fourth, in the famous scene where the Chief Justice punishes the Prince of Wales for contempt of the judicial office and authority. For this anecdote, the writer is indebted to Senator Lodge. In the Senate, during the Hawaiian debate, he quoted this passage from Juvenal:

" Sed quo cecidit sub crimine; quisnam
Delator? quibus judiciis; quo teste probavit?
Nil horum; verbosa et grandis epistola venit
A Capreis. Bene habet; nul plus interrogo."

He then proceeded :

My friend from Massachusetts (Mr. Hoar) requests me to translate that. He does not need it, of course. But another Senator (Mr. Washburn) suggests that some of the rest of us do. I will not attempt to give a literal translation, but I will give an accurate paraphrase, which will show its application: "Into what crime has he fallen? By what informer has he been accused? What judge has passed upon him? What witness has testified against him? Not one or any of these. A verbose and turgid message has come over from Capri. That settles it. I will inter-rogate no further."

The most ardent admirers of the then President, Mr. Cleveland, could not help joining in the laugh.

Mr. Davis took great delight in his descent from the early settlers of Plymouth, and valued exceedingly the good will of the people of Massachusetts. The members of the Society who were fortunate enough to meet him will not forget their delight in his pleasant companionship, when he visited Massachusetts a few years ago to attend our meeting and contribute a paper to our Proceedings. He had hoped to repeat the visit.

The writer prefers, instead of undertaking to complete this imperfect sketch by a new portraiture of his honored friend, to add what he said in the Senate, when the loss of Mr. Davis was still recent:—

Mr. PRESIDENT: There is no Senator who would not be glad to lay a wreath of honor and affection on the monument of Cushman K. Davis. That, however, is more especially the right of his colleague and his successor and the members of the great committee where he won so much of his fame. I ought to say but a few words.

The Senate, as its name implies, has been from the beginning, with few exceptions, an assembly of old men. In the course of nature many of its members die in office. That has been true of thirty-eight Senators since I came to the Capitol. Others, a yet larger number, die soon after they leave office. Of the men with whom I have served in this Chamber fifty-eight more are now

dead, making in all ninety-six, enough and to spare to organize another Senate elsewhere. To that number has been added every Vice-President but two. Upon those who have died in office eulogies have been pronounced in this Chamber and in the House. The speakers have obeyed the rule demanded by the decencies of funeral occasions—*nil de mortuis nisi bonum*—if not the command born of a tenderer pity for human frailty—*jam parce sepulto*. But in general, with scarcely an exception, the portraitures have been true and faithful. They prove that the people of the American States, speaking through their legislative assemblies, are not likely to select men to represent them in this august assembly who are lacking in high qualities either of intellect or of character. However that may be, it is surely true of Mr. Davis that whatever has been or will be said of him today, or was said of him when the news of his death first shocked the country, is just what would have been said when he was alive by any man who knew him. I have served with him here nearly fourteen years. I have agreed with him and I have differed from him in regard to matters of great pith and moment which deeply stirred the feelings of the people, as they did mine, and doubtless did his own. I never heard any man speak of him but with respect and kindness.

Of course, Mr. President, in this great century which is just over, when our Republic—this infant Hercules—has been growing from its cradle to its still youthful manhood, the greatest place for a live man has been that of a soldier in time of war and that of a statesman in time of peace. Cushman K. Davis was both. He did a man's full duty in both. No man values more than I do the function of the man of letters. No man reveres more than I do the man of genius who in a loving and reverent way writes the history of a great people, or the poet from whose lyre comes the inspiration which induces heroic action in war and peace. But I do not admit that the title of the historian or that of the poet to the gratitude and affection of mankind is greater than that of the soldier who saves nations, or that of the statesman who creates or preserves them, or who makes them great. I have no patience when I read that famous speech of Gladstone, he and Tennyson being together on a journey, when he modestly puts Mr. Tennyson's title to the gratitude of mankind far above his own. Gladstone, then prime minister, declared that Tennyson would be remembered long after he was forgotten. That may be true. But whether a man be remembered or whether he be forgotten; whether his work be appreciated or no; whether his work be known or unknown at the time it is accomplished, is not the test of its greatness or its value to mankind. The man who keeps this moral being, or helps to keep this moral being we call a State in the paths of justice and righteousness and happiness, the direct effect of whose action is felt in the comfort and

happiness and moral life of millions upon millions of human lives, who opens and constructs great highways of commerce, who makes schools and universities not only possible but plenty, who brings to pass great policies that allure men from misery, and poverty, and oppression, and serfdom in one world, to free, contented, happy, prosperous homes in another, is a great benefactor to mankind, whether his work be accomplished with sounding of trumpets, or stamping of feet, or clapping of hands, or the roar and tumult of popular applause, or whether it be done in the silence of some committee room, and no man know it but by its results.

I am not ready to admit that even Shakespeare worked on a higher plane, or was a greater power on earth, than King Alfred or George Washington, even if it be that he will survive them both in the memory of man. The name of every man but one who fought with Leonidas at Thermopylæ is forgotten. But is Æschylus greater than Leonidas, or Miltiades, or Themistocles? The literature of Athens preserves to immortality the fame of its great authors. But it was Solon, and Pericles, and Miltiades that created and saved and made great the city, without which the poets could not have existed. Mr. Tennyson himself came nearer the truth than his friend, Mr. Gladstone, when he said :

He
That, through the channels of the state,
Conveys the people's wish, is great;
His name is pure; his fame is free.

There have been soldiers whose courage saved the day in great decisive battles when the fate of nations hung in the scale, yet whose most enduring monument was the column of smoke which rose when their death shot was fired. There have been statesmen whose silent influence has decided the issue when the country was at the parting of the ways, of whose service history takes no heed. The great Ohio Territory, now six imperial States, was twice saved to freedom by the almost unnoticed action of a single man. With all respect for the man of letters, we are not yet quite ready to admit that the trumpeter is better than the soldier, or the painter greater than the lion.

There is no need of many words to sum up the life and character of Cushman Davis. His life was in the daylight. Minnesota knew him. His country knew him and loved him. He was a good soldier in his youth, and a great Senator in his maturer manhood. What can be said more, or what can be said better, to sum up the life of an American citizen? He offered his life for his country when life was all before him, and his State and his country rewarded him with their highest honor. The great orator and philosopher of Rome declared in his youth, and repeated in his age, that death could not come prematurely to a man who had been consul. This man surely might be accounted ready to die.

He had discharged honorably life's highest duty, and his cup of honor and of glory was full.

We are thinking today of something more than a public sorrow. We are mourning the loss of a close and delightful companionship, a companionship which lightened public care and gave infinite pleasure to private intercourse. If he had never held office, if his name had never been heard even beyond the boundaries of a single municipality, he would have been almost anywhere a favorite and foremost citizen. He was in the first place, always a gentleman, and a true gentleman always gives tone to any company in which he is found, whether it be among the rulers of States or the humblest gathering of friendly neighbors. Lord Erskine said on a great occasion :

It is impossible to define in terms the proper feelings of a gentleman; but their existence has supported this country for many ages, and she might perish if they were lost.

Certainly our friend had this quality. He was everywhere a gentleman. He met every occasion in life with a simple and quiet courtesy. There was not much of deference in it. There was no yielding or supplication or timidity in it. I do not think he ever asked favors, though no man was more willing to grant them. But there is something more than this in the temper of which I am speaking. The man who possesses it gives unconsciously to himself or to his associates tone to every circle, as I just said, in which he is found. So, wherever he was, his manner of behavior prevailed, whatever might have happened to the same men if they had been left alone.

Senator Davis was a man who kept well his own counsel. He was a man to whom it was safe for other men to trust their counsel. His conversation, to which it was always a delight to listen, had no gossip in it. Still less had it ever anything of ill nature or sarcasm. He liked to share with a friend the pleasure he took in finding some flower or gem of literature which, for long ages till he found it in some out-of-the-way nook, had—

Blushed unseen,
And wasted its sweetness on the desert air.

He had what Jeremy Taylor calls "the great endearment of prudent and temperate speech."

His conversation was sparkling and witty and full of variety, but no spark from him was ever a cinder in the eye of his friend.

He had a learning rare among public men, and, for its variety, rare, I think, among scholars. He would bring out bits of history, full of interest and instruction, from the most obscure sources, in common conversation. He was an excellent Latin scholar. He had read and mastered Tacitus, and a man who has mastered Tacitus has had the best gymnastic training of the

intellect, both in vigor and style, which the resources of all literature can supply.

One secret of his great popularity with his companions here—a popularity I think unexcelled; indeed, I incline to think unequalled by that of any other man with whom I have served—is that to which the late Justin Morrill owed so much. He never debated. He rarely answered other men's arguments, never with warmth or heat. But he was exceedingly tenacious of his own opinion. He was, in the things he stood for, as unyielding as flint and true as steel. But his flint or steel never struck out a spark by collision with any other. He spoke very rarely in debate in general; only when his official place on his committee, or something which concerned his own constituents especially, made speaking absolutely imperative. Then he gave his opinion as a judge gives it, or as a delegate to some great international council might be supposed to give it; responsible for it himself, but undertaking no responsibility for other men's opinion or conduct; never assuming that it was his duty or within his power to convert, or change, or instruct them, still less to chastise them. Whether that way be the best way for usefulness in a deliberative body, especially in a legislative body of a great popular government, I will not undertake now to say. Certainly it is not the common way here or elsewhere. It is very rare indeed, that any man possessing the great literary and oratorical power of Mr. Davis, especially a man to whom nobody ever thought of imputing timidity or undue desire to enjoy public favor, or want of absolute confidence in his own opinions, will be found to refrain from employing these qualities to persuade or convince other men.

He had a rare and exquisite gift which, if he had been a man of letters and not a man engaged in a strenuous public life, would have brought him great fame. Once in a while he said something in private, and more rarely, though once or twice, in a public speech, which reminded you of the delicate touch of Hawthorne. His likening President Cleveland and Mr. Blount, looking upon the late royalty of the Sandwich Islands with so much seriousness, to Don Quixote and Sancho Panza taking in great earnest the spectacle of a theatrical representation at a country fair and eager to rescue the distressed damsel, was one of the most exquisite felicities of the literature of the Senate.

He had great pride in his ancestry, and was a great lover of the history of New England and Plymouth, from which they came, though he never gave himself airs on account of it. He was a descendant of Robert Cushman, the preacher of the Pilgrims, whose service was in a thousand ways of such value to the little colony at Plymouth. Yet it had never happened to him to visit the scenes with which the feet of his ancestors had been so familiar, until a few years ago he did me the honor to be my

guest in Massachusetts, and spent a few days in visiting her historic places. He gazed upon Boston and Plymouth and Concord reverently as ever Moslem gazed upon Mecca or the feet of palmer stood by the holy sepulchre. That week to him was crowded with a delight with which few other hours in his life could compare. I had hoped that it might be my fortune and his that he might visit Massachusetts again, that her people might gather in her cities to do him honor, and might learn to know him better, and might listen to the sincere eloquence of his voice. But it was ordered otherwise.

There are other things his country had hoped for him. She had hoped a longer and higher service, perhaps the highest service of all. But the fatal and inexorable shaft has stricken him down in the full vigor of a yet strenuous manhood. The great transactions in which he had borne so large a part still remain incomplete and their event is still uncertain.

There is a painting which a great Italian master left unfinished. The work was taken up and completed by a disciple. The finished picture bears this inscription: "What Titian left unfinished Palma reverently completed and dedicated to God." So may our beloved Republic find always, when one servant leaves his work unfinished, another who will take it up and dedicate it to the country and to God.

G. F. H.

Robert Noxon Toppan was born in Philadelphia, Pennsylvania, 17 October, 1836. His father, Charles Toppan, was a native of Newburyport, Massachusetts, where the family has always held high social rank, intermarrying with the Sewalls, Pikes, and others prominent in church and state. His mother, from whom his middle name was derived, was Laura A. Noxon, daughter of Dr. Robert Noxon of Poughkeepsie, New York. On both sides of the house, Mr. Toppan came of ancestors who saw service during the Revolutionary struggle. His grandfather, Edward Toppan, served throughout the war, was engaged in several battles, and was with Washington's army at Valley Forge; while his maternal great-grandfather, Captain Lazarus Ruggles, was severely wounded in the battle of White Plains.

During his youth, Mr. Toppan travelled much abroad with his parents, and was fitted for college by private tutors. Returning home, he entered the Harvard Class of

1858 during the sophomore year, and took creditable rank, which, at graduation, entitled him to fellowship in the fraternity of Phi Beta Kappa. Of that society he was ever after an active member, and for many years rendered valuable service on its committees. In the junior and senior years, he had a part in two exhibitions,—a Greek dialogue with George E. Francis and a disquisition. He also had an oration at Commencement. Of other college societies, Mr. Toppan was a member of the Institute of 1770, Hasty Pudding Club, Alpha Delta Phi, and the Harvard Natural History Society. He was also a member of his Class Committee.

After graduation, Mr. Toppan studied law in New York, in the office of Tracy, Wait and Olmstead; attended the law lectures at Columbia College, which gave him the degree of LL.B. in May, 1861; was admitted to the New York bar on the fourth of the following June, and began practice at No. 6 Wall Street.

In 1862, he went to Europe, where he remained several years, although he made occasional visits to the United States during his residence abroad, where he travelled extensively and became a proficient linguist. It was at this period of his life that he was disappointed in the hope of entering the diplomatic service. He was offered the position of Secretary of Legation at Madrid by the Hon. John P. Hale, then the American Minister at the Court of Spain. Shortly after his acceptance of this appointment, a sudden illness compelled him to relinquish it.

On the sixth of October, 1880, Mr. Toppan was married to Miss Sarah M. Cushing, daughter of the Hon. William Cushing of Newburyport, Massachusetts, and niece of the Hon. Caleb Cushing. By her he had two sons and two daughters, of whom one daughter died in childhood. After a brief sojourn in Europe and a short residence in Newburyport, he removed, in 1882, to Cambridge where he built a spacious house in one of the most attractive

parts of the city. Here, for nearly a score of years, possessed of an ample fortune, surrounded by his family, his friends and his books, he lived the life of a highly cultivated gentleman, scholar and man of affairs. He was deeply interested in historical research, especially in the subject of money, upon which he wrote and published several monographs. His knowledge of Numismatics was extensive, and he possessed some superb specimens of the gold and silver coins used by the ancients.

Mr. Toppan was a trustee of the American Bank Note Company, of which his father was a founder. Our late associate served on the International Coinage Committee of the American Social Science Association, and, in 1878, was a delegate to the International Congress for the unification of weights, measures and money. While Mr. Toppan's rapid utterance and indistinct enunciation unfitted him for public speaking, he never shrank from the performance of a public duty nor allowed his peculiarity of speech or his innate modesty to prevent a public expression of his opinions when the occasion demanded it.

Mr. Toppan's loyalty to Harvard, where many of his kindred had been educated, prompted him to found a prize which can best be described by quoting the following paragraph from the College (annual) catalogue:—

"An Annual Prize of One Hundred and Fifty Dollars, the gift of Robert Noxon Toppan, of Cambridge, of the Class of 1858, is offered for the best essay (of sufficient merit) on a subject in Political Science. The prize is open for competition to all students of the Graduate School or of any of the Professional Schools, who have received an academic degree, and to all graduates of Harvard College of not more than three years' standing.

The prize was first awarded, in 1882, to F. W. Taussig, now Professor of Political Economy."

Mr. Toppan was a member of the American Philosophical Society; the Massachusetts Historical Society;

The Colonial Society of Massachusetts, in which he took a deep and active interest; the Numismatic and Antiquarian Society of Philadelphia; the American Historical Association; the Historical Society of Old Newbury, in the prosperity of which he was especially interested; the Prince Society, of which he was for several years and until his death the Corresponding Secretary; the Century Club of New York; and the Massachusetts Reform Club. He was also a director of the Bunker Hill Monument Association, and of the Charles River National Bank of Cambridge.

In 1861, Mr. Toppan translated and published Jouffroy's *Ethics*. This was followed by *The Historical Succession of Monetary Metallic Standards, 1877*, published by the Chamber of Commerce of the State of New York; *A Unit of Eight Grammes, 1879*; *Some Modern Monetary Questions Viewed in the Light of Antiquity, 1881*; *Brief Biographical Sketches*, published by the Historical Society of Old Newbury, 1885, on the occasion of the two hundred and fiftieth anniversary of the settlement of the town; *Monetary Unification, 1888*; *The Right to Coin Under the Colonial Charters, 1894*, in the Transactions of The Colonial Society of Massachusetts; *A Hundred Years of Bank Note Engraving in the United States, 1896*; *The Failure to Establish an Hereditary Political Aristocracy in the Colonies, 1897*, in the Transactions of The Colonial Society; the *Andros Records*, published in the Proceedings of this Society; the *Dudley Records*, in the Proceedings of the Massachusetts Historical Society; and *Edward Randolph*, in five volumes, quarto, for the Prince Society. Upon this last-mentioned work Mr. Toppan was engaged for seven or eight years, gathering the materials for it from the Massachusetts Archives, from the English Public Record Office and other public depositories in London, from the Bodleian Library and from private collections in England. At a Stated Meeting of the Massachusetts Historical Society, held in June of this year, the Rev. Dr.

Slafter, President of the Prince Society, paid a warm tribute to Mr. Toppan's memory, in the course of which he said:—

“This monograph on Edward Randolph is the *magnum opus* of Mr. Toppan's historical career. It was his first and, we regret to say, his last great work. It is a monument of which any scholar might well be proud. By his sagacity, perseverance, and unwearied diligence, he has brought together, in original documents, the means of forming a just opinion of the character, the aims, purposes and motives of Edward Randolph as a loyal subject and agent of the English crown. The historian is, and will forever be, under special obligations to Mr. Toppan, for the achievement of this important work.”

The writer's personal acquaintance with Mr. Toppan began about the time of a simultaneous election to fellowship in this Society, in April, 1885. He was a most delightful neighbor and friend. His was a charming personality. With a heart overflowing with affection for those nearest and dearest to him, and with sympathy for all who needed it, gentle and refined in thought and deed, possessing a mind stored with interesting reminiscences of foreign travel, which were always at the command of his retentive memory, his companionship was prized by those who were privileged to enjoy it. He was active in good works, intensely patriotic, a hater of everything that was not genuine and true, and a generous giver of time, service and money where they were needed in cases and causes which enlisted his sympathy. Small in stature, but robust and rugged in appearance,—indeed, the picture of health,—his friends and neighbors had anticipated for him a vigorous and serene old age. His sudden, fatal illness came, therefore, as a surprise, and his death, on the tenth of May, brought sorrow to many hearts besides those of his own household.

H. H. E.

For the Council,

GEORGE F. HOAR.

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