A DISCOURSE ON THE LIFE, CHARACTER, AND PUBLIC SERVICES OF JAMES KENT

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Trieste

DISCOURSE.

Gentlemen of the Judiciary and of the Bar:

HAVING accepted the invitation of a Committee of the Bar of this City to deliver a discourse on the life, character, and public services of the late Chancellor Kent, it is with feelings of no ordinary solicitude, that I now proceed to the discharge of that important and responsible duty. The discourse that I have prepared—it is with no false modesty I say it —falls far short of the standard I had proposed to myself, and wished and strove to attain; but its defects, whatever they may be, are certainly not the result of indifference or of negligence. I have felt, and trust shall never cease to feel, a sincere and profound interest in the subject I have undertaken to treat; and I can truly say, that no efforts on my part have been wanting to render its treatment, in a measure, worthy of the fame of the deceased, and of the approbation of those who knew and have survived him. I add, that although the discourse to which your attention is invited, may be found to exhibit a very imperfect representation of the mind, character, and public services of the deceased, it fortunately happens, that this imperfection cannot possibly impair your own estimate, or the public estimate, of his real merits. To many, perhaps to most of you, he was personally known, and he is known to you all by his works; and should I fail to award to him that full measure of gratitude and praise, to which you know he is entitled, your own recollections and your own feelings, will be prompt to correct the error and supply the deficiency.

The plan of this discourse shall be stated in few words; the design is to place before you in a continuous narrative, the principal incidents in the life of the deceased, and to interpose from time to time such suitable reflections as have occurred to me, especially in regard to the nature and value of his judicial labors, and to the merits and influence of his juridical writings. In one respect, I shall depart from a course that is usually followed. I shall not attempt any general description of the intellectual and moral qualities, habits and attainments of the deceased. I shall not attempt to exhibit his character in an elaborate and formal delineation. His character, I trust, will be unfolded and fully developed in the narrative that is to be given; and I shall therefore leave you to draw your own conclusions from the facts that are to be stated, without attempting to guide or direct your judgment by any observations, except such as the narrative itself, as we proceed, shall naturally suggest.

James Kent was born on the 31st of July, 1763, in the Highlands of the Hudson of this State, but near the borders of Connecticut. He was born in the town of Fredericks, then a part of the county of Dutchess, but now of the county of Putnam. He was the eldest son of his parents, who, both from their characters and their station in life, were highly respectable, and whose circumstances, although far from affluent, were independent. His father was a man of liberal education and cultivated mind, and like his own father, the Rev. Elisha Kent, and his son, the subject of our discourse, was a graduate of Yale College. He had been admitted to the Bar, and although at the time of the birth of his eldest son, he cultivated a farm, he had not then wholly relinquished the practice of his profession. At a later period of his life, he removed to the county of Rensselaer, in which he held for some years the office of Surrogate. He died in 1794, not at a very advanced age, at the house of his son in this city.

It is not my intention to dwell minutely on the early years of the deceased. It may be doubted whether the incidents connected with this period of his life, however interesting in themselves, are exactly suited to a discourse like the present; and in addition to this doubt, there are other motives that would lead me to forbear from their introduction. I have reason to believe, and think I may venture to announce, that a full memoir of the life of the deceased—a biography such as the public has a right to claim and expect—

will be prepared and, in due season, given to the world by the son, who by his abilities and learning, his sound judgment and cultivated taste, as well as by his intimate knowledge of the subject, and his sentiments of filial veneration and love, is admirably fitted to accomplish the task—a task that he deems, and justly deems, a sacred duty. With his performance of this duty, it is plain that I ought not to interfere beyond the limits of that necessity that the very nature of this discourse imposes. Hence, without entering into details that may be eminently proper and no doubt will be found highly interesting in a future biography, I shall confine my narrative, as already intimated, to the prominent facts and leading incidents in the life of the deceased.

There are, however, some circumstances connected with the position of the deceased in early life, to which, as illustrative of his character, it is proper I should advert. It was in a very beautiful and romantic country that his parents lived, in a rich and secluded valley, surrounded by mountains, varied in shape and elevation, and the family dwelling was situated on or near the banks of the noble stream that perseverance, wealth and science have made our own—a stream then obscure and almost nameless, now the far-famed Croton. In his conversation, the deceased not unfrequently recurred to these scenes of his youth, in terms that plainly showed how strongly they had affected his imagination and were endeared to his memory; nor could it be doubted by those who intimately knew him, that the scenes and images thus impressed on his mind, had contributed, in no slight degree, to form those dispositions that were inherent and as it were elementary in his character—his native manliness, his frank simplicity, his singular alacrity both of body and of mind, and above all, his vivid admiration and intense enjoyment of all the works and beauties of nature, feelings that he retained in all their freshness to the extremest period of his life. An event occurred in his latter years that had a striking effect in recalling to his mind the scenes, and in leading him to dwell upon the incidents, of his youth. I refer to the introduction into this city of the Croton water. Several times within the last three years, when the fountain that adorns the park in front of his late residence was in its fullest action, and the waters of his native river, as if instinct with life and voluntary motion, rose in strength and majesty before him, several times have I known him approach the windows of his library, in which we were then sitting, and there break forth into warm expressions of admiration and delight. It was evident that the spectacle filled his mind with the most agreeable and varied emotions; for while it recalled, as he said, the quiet scenes and simple pleasures of his youth, it reminded him of the vast progress that his country had since made in the noblest arts and truest enjoyments of social and civilized life. It was evident at such times that his boyhood and youth, his manhood and age, were all present to his mind and memory; and it was his high privilege—such had been the course of his life—it was his high privilege that when thus recalled, he could dwell with feelings of unmingled satisfaction and devout thankfulness on each period of his existence. It is not surprising that at such times, a serene light—the serene light of a serious and chastened joy—spread over his venerable features; for it was evident that his thoughts and his affections rose in grateful adoration to the Author of his being, as the source and fountain of all the blessings—the many great and peculiar blessings—that throughout the progress and in each stage of his life, it had been his lot to enjoy.

These remarks may seem a digression, but are not. I pass to the early education of the deceased, a topic that I do not mean shall long detain us, not only for the reasons I have already stated, but because I am far from attaching to the subject all the importance it is commonly thought to deserve. Let me not be misunderstood. To the moral training of youth, and to that culture of the intellect which is connected with and dependent on a moral training, too much importance cannot be attached; but when we look simply at the amount of knowledge that is gained, the influence on the character and destiny of individuals, of the education that schools and colleges bestow, is found to be far less than is usually imagined. It is a certain truth, a truth that deserves to be much more generally understood and felt than it is, that every man who rises to any eminence of distinction in any of the higher departments of human