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Fenimore Cooper's Libel Suits

BY CONSTANTINE EVANS

I

ON 5 AUGUST 1832 James Fenimore Cooper began a letter in Spa, Belgium, to his nephew Richard Cooper, a lawyer in Coopers-town, New York. At one point in this chatty letter he asks Richard to look into the ownership of the Gilbert Stuart portrait of his father, William Cooper. It interests him, he tells Richard, because "I am getting to be a collector". The letter breaks off with a synopsis of European affairs:

Europe is in a very unquiet state. The governments hope to crush the spirit of the people, and the people begin to see the means of extricating themselves from the grasp of their taskmasters. . . . They are all struggling to imitate us, and no country is so often quoted as authority, now, as our own.

Cooper resumed the letter, this time from Switzerland, on 21 September. After updating Richard with more family gossip, he mentions that he intends to return to America (thus concluding the Cooper family's seven-year stay in Europe). "Now for a little *private* business", he adds.

He asks Richard to look into the possibility of purchasing his father's former residence. The house had been sold in 1823, the symbolic finale to the dissolution of much of his father's estate. The new owner of the Hall was William Holt Averell, a wealthy Cooperstown lawyer. Strangely enough, Averell did nothing with the Hall, leaving it unoccupied and unmaintained, which in any case is why Cooper asked Richard to determine "the exact condition of the Mansion House, and if it is on the market, is [it] capable of being repaired". Caution was urged; Cooper didn't know Averell personally. For that reason Richard was to sound out, in effect, whether the asking price might be increased if Cooper's name were used. The letter concludes, "A speedy answer is desirable, as we

shall soon have need of a residence. If we can succeed in this purchase . . . dear Dick, . . . your name will occupy its old station in Otsego.”¹

The letter to Richard reveals Cooper’s desire to possess what his father’s portrait and house represented: the “old station in Otsego”, which meant simply the Cooper family’s former social position, once validated by William Cooper’s person. James Fenimore Cooper’s wish for his nephew and himself was to reclaim what he saw as his birthright. His return to his father’s house, the symbolic locus of the Cooper name and social identity, would reinstate the family’s former social supremacy.

Another side of Cooper becomes apparent in the passage about Europe’s political climate when he speaks of “the spirit of the people”. Cooper’s egalitarianism co-exists with his social elitism: a seemingly paradoxical position baffling to his contemporaries. Five years later, when he was firmly settled in Cooperstown and in the refurbished Hall, Cooper would find occasion, in the unquiet political climate of Jacksonian America, to defend his patriotism and his character in courts of law.

Retrospectively considered, then, Cooper’s letter to Richard yields a text in which a sense of destiny gathers about the image of the Hall itself. Averell, for whatever reason, had not turned the Hall to immediate profit. It had remained empty for fourteen years and so had never been lived in except by Coopers. In this Averell seemed to serve Cooper and his attachment to the Hall very well.² However, as matters turned out, Averell would play a minor but eager role in the Whig press’s attempt to ruin Cooper.

1. *The Letters and Journals of James Fenimore Cooper*, ed. James Franklin Beard (Cambridge: Harvard Univ. Press, Belknap Press, 1960), 2:294–96.

2. A receipt dated 23 October 1832 from The Albany Insurance Co., sent to me in photocopy by the New York State Historical Association, states that William Averell paid “five dollars forty cents for the purpose of insuring on the Old Mansion of the late Judge Cooper or in other words ‘Templeton Hall’ . . .” The document further states that one Moses Davis would use the mansion “as Dwelling and in part as a place of Meeting for Public Worship”. Nothing, however, seems to have come of this venture.

William Holt Averell (1794–1878) was born in Cooperstown. His father, James Averell, Jr., had purchased farm land from Judge William Cooper when the Judge began profitably parceling off his extensive holdings for settlement in 1786. Like William Cooper, the elder Averell had had dynastic ambitions, which meant that money, land, social prestige, and a large family were required. To that end, he invested in manufactory and real estate, had himself appointed coroner, organized the county Bible society, and fathered eight children. The result was that while the Averell family “never reached the level of national importance, James Averell, Jr. and his son, William Holt Averell, had a tremendous impact on the economic and community life in Cooperstown and in Otsego County through much of the nineteenth century”.³

William Averell contributed to the realization of his father’s ambition by participating in the family enterprises, and eventually by his own investments in manufactories, mills, and land holdings. By 1830 he would found and be first president of the Otsego County Bank. His civic career would have him engaged in local political activities, in Christ Church as a vestryman, and in the volunteer fire department. After graduating from Union College in Schenectady in 1816, he studied law. In 1819 he received his law license, became involved with the settlement of William Cooper’s estate, and “made a fortune, first and last, by buying Cooper properties as they came into the market”.⁴ Cooper, the sole surviving male heir to his father’s disintegrating estate, was at this time living on land provided for him by his in-laws in Scarsdale and only beginning to stumble into his career as a novelist.

The year 1819 was significant to another resident of Cooperstown. Seventeen-year-old James Watson Webb (1802–1884) chose that year to part company from his guardian in Cooperstown to

3. The biographical material on William Averell and the Averell family derive, unless otherwise stated, from a “Biographical Note” generously supplied by the New York State Historical Association, Cooperstown, New York, which owns the Averell papers.

4. Henry Walcott Boyton, *James Fenimore Cooper* (New York: Century Co., 1931), 71.

join the army. Webb had been orphaned early and placed in charge of his brother-in-law. His father, Samuel Blatchley Webb, had been a Revolutionary War general and aide to George Washington. Using his family connections to advantage, Webb presented a letter of identification from Governor DeWitt Clinton to Secretary of War John C. Calhoun, who was eventually persuaded to grant Webb a second lieutenant's commission.⁵

Such resourcefulness in a boy of seventeen is perhaps unusual; but Webb throughout his long life was headstrong, enterprising, and to a degree, dangerous. His military career was relatively brief, but highlighted by an episode that might have come out of a Cooper novel: while tracked by hostile Indians, he crossed, in the depth of winter, the wilderness area of Illinois to alert Fort Armstrong on the Mississippi of a possible attack on Fort Snelling, Minnesota. Also in keeping with his aggressive character was the manner in which his military career ended: a proposed duel with his commanding officer. Webb's first publication seems to have been a pamphlet in 1827, in which he justified his resignation to his fellow officers.

Webb quickly found a home in journalism. He had married well. In 1827 his wealthy father-in-law purchased a share in the *New York Morning Courier*, making Webb editor and proprietor. Two years later the *Courier* merged with the *New-York Enquirer*, to become, by its short title, the *Courier and Enquirer*. Dynamic editorship and innovative news-gathering strategies, in what has been called "The Dark Ages of Partisan Journalism", gave the twenty-five-year-old, volatile Webb almost meteoric fame. Although there would eventually be an actual duel to fight (which would gain him a bullet in the leg), Webb preferred the verbal dueling among rival editors characteristic of the period. Some of the invectives that Webb and the other editors used to voice their political

5. The biographical material on James Watson Webb derives from James L. Crouthamel, *James Watson Webb: A Biography* (Middletown, Conn.: Wesleyan Univ. Press, 1969) and from the *Dictionary of American Biography*, s.v. "Webb, James Watson". How much significance can be attached to the fact that Webb's guardian, George Morell, was a friend of Cooper cannot be determined (*Letters and Journals* 3:352-53).

biases and defend their professional integrity were: “Obscene vagabond”, ‘Loathsome and leperous slanderer and libeler’, ‘Unprincipled conductor’, ‘Rascal’, ‘Rogue’, ‘Cheat’, ‘Veteran black-guard’, ‘Habitual Liar’, ‘Polluted wretch’, ‘Foreign vagabond’, ‘Foreign impostor’, ‘Monster’, ‘Daring infidel’, ‘Pestilential scoundrel’, and ‘Venomous reptile’”.⁶ Physical assaults on each other were not uncommon and could supply the participants with a colorful paragraph for the next day’s edition. Webb, comfortable in this fraternity, proclaimed himself the “best abused” editor of them all. It should be noted here that such exchanges mark the unstable political atmosphere of the Jacksonian era and beyond.

Webb was a favorite of the Averell clan, and maintained a warm relationship with them. His sister, Jane Hogeboom Webb, had married William Averell’s brother Horatio, while Averell’s own wife, Jane Maria Russell, was Webb’s cousin.⁷ As a consequence of these connections, Webb had been aware of Cooper’s rise to fame almost from the beginning of Cooper’s literary career. In 1822, while still in the army, Webb received a letter from a relative of Averell’s wife telling of the stir in Cooperstown caused by the appearance, and celebrity, of Cooper’s first two novels, *Precaution* (1819) and *The Spy* (1822), and the announcement of a third, *The Pioneers* (1823). Not everyone was pleased. An element within Cooperstown thought that James Cooper had more “vanity to father than wit to write a novel” and hinted that the novels were the

6. James Melvin Lee, *History of American Journalism* (Garden City, N.Y.: Garden City Publishing Co., Inc., 1923), 198; and Frank Luther Mott, *American Journalism*, rev. ed. (New York: Macmillan, 1950), 260–61. Webb received his wound in a duel with a Kentucky congressman in 1842. For violating New York’s anti-dueling law, Webb was sentenced to two years in Sing Sing, but a pardon by Governor Seward, after whom Webb would name one of his sons, kept Webb out of the penitentiary (Mott, *American Journalism*, 261).

7. Detailed genealogical data on the Averell and the Webb families obtained from Clara Avery, *The Averell-Averill-Avery Family* (Cleveland: Evangelical Publishing House, n.d.); and Reynold Webb, *Wilcox, Wilcoxson-Wilcox, Webb and Meigs Families* (New York: National Historical Society, 1938). Jane Marie Russell and Webb shared the same maternal grandfather, Judge Steven Hogaboom (sometimes rendered Hogeboom). As a measure of their devotion, Horatio and Jane Averell named their only son James Watson Webb.

collaborative product of his wife and a family friend—a view tacitly endorsed by the correspondent.⁸

Whatever latent sympathy Webb may have felt with the Cooper detractors in Cooperstown found its dramatic outlet a decade later. Webb's decisive shift of the previously pro-Jackson *Courier and Enquirer* away from "King Andrew" (23 August 1834),⁹ whom Cooper had championed in print, automatically turned Cooper into a public enemy. The heated political atmosphere (inflamed by Jackson's removal of funds from the Bank of the United States),¹⁰ the consolidation of anti-Jackson forces that had emerged in 1834 as the Whig party, as well as the tradition of personal journalism with its standardized vocabulary for expressing abuse—all pre-established the manner in which the attack on Cooper would be

8. Letter from Rensselaer W. Russell to Lt. J. W. Webb, 11 February, 1822, James Watson Webb Collection, George Arents Research Library, Syracuse University. See also Constantine Evans, "James Fenimore Cooper: Young Man to Author", *Syracuse University Library Associates Courier* 22 (Spring 1988): 76–77. Editor's note: The Averell and Russell letters cited in this paper were until recently in the George Arents Research Library. They were transferred to Yale University in 1992 to unite with the extensive James Watson Webb personal and family papers held there. James Watson Webb Papers, Manuscripts and Archives, Yale University Library.

9. Philip Hone, *The Diary of Philip Hone, 1828–1851*, ed. Allan Nevins (New York: Arno Press and the New York Times, 1970), 72–73. Hone records, "The Bank veto is the principal ostensible reason for his [Webb's] defection. Other faults of the President are incidentally mentioned, but he has so often defended and justified them that it would hardly do to handle them too roughly at first" (73). Similarly, Webb "had been lavish in his praise of Cooper, a fellow Democrat", before the break with Jackson (Crouthamel, *Webb*, 76). Webb's enemies profited by Webb's switch in allegiance by noting that Webb had borrowed \$52,000 from the Bank of the United States (Mott, *American Journalism*, 182–83).

10. James Roger Sharp writes, "[I]t was the banking issue that became the crucible of the Jacksonian democracy. . . . In Jackson's opinion the charter for the bank violated [the principle of equal protection by the government] because it extended special privileges to a small select group of men". Sharp also comments that "Americans who supported the banks looked to the future with optimism, welcomed change, and celebrated the transformation of an agricultural, mercantile, and rural America into an industrial, highly commercial, and urban society". See "Jacksonian Democracy", in *Encyclopedia of American Political History*, ed. Jack P. Greene (New York: Charles Scribner's Sons, 1985), 669.

conducted. Indeed, with the very formation of the Whig party (Webb is sometimes credited with creating its name), the *Courier and Enquirer* and the other papers acting as its organ had a sort of ideological platform and hence a solid front from which to concentrate their fire on Cooper.

But Webb was to be, in Horace Greeley's doubtlessly ironic phrase, "the greatest sinner of the lot".¹¹ When in 1837 Cooper began an ever-expanding series of libel suits against the Whig editors, the most serious of these charges was against Webb. Here, the charge was criminal libel, which if proven could send Webb to jail.

III

That Cooper invited attack by the Whig press when he defended Andrew Jackson is clear; but that he engaged in political controversy at all requires, and has drawn, a more complex analysis. According to one critic, "Cooper thought of himself, not as a writer of adventure romances, nor as a political analyst, but as a man of letters, a gentleman whose pen was in his nation's service".¹² The fact remains, however, that the large readership he had single-handedly created for his novels thought of him as a writer of adventure romances. He had, after all, fulfilled the early expectation as to what American literature should do: namely, "elucidate the history, manners, usages, and scenery" of America.¹³ His doing just that was the source of his remarkable achievement and fame. But in creating an American literature and an audience for it, Cooper was also creating himself: his "willed creation of a role as a medium for the articulation of American culture informs his early

11. Ethel R. Outland, *The "Effingham" Libels on Cooper*, University of Wisconsin Studies in Language and Literature, no. 28 (Madison: University of Wisconsin Press, 1929), 69. Although Greeley and Webb abused each other in print, they disliked Cooper more. See Lee, *History of American Journalism*, 213-14.

12. John P. McWilliams, Jr., *Political Justice in a Republic: James Fenimore Cooper's America* (Berkeley: University of California Press, 1972), 1.

13. James Fenimore Cooper, *Notions of the Americans Picked Up by a Travelling Bachelor*, 2 vols. (1828; reprint, with introduction by Robert E. Spiller, New York: Frederick Ungar Publishing Co., 1963), 1:254. See also Robert E. Streeter, "Association Psychology and Literary Nationalism in the *North American Review*, 1815-1825", *American Literature* 17 (1945): 143.

novels of the frontier and of the American Revolution. This conception of self . . . not only endured but deepened during his stay in Europe.”¹⁴

His mission was clear: “[America’s] mental independence is my object”¹⁵—and in the 1820s, especially, this meant the ending of America’s lingering cultural vassalage to England, its habitual deference to British thought in matters of art and government. He was encouraged in this role by his close friend, the venerable General Lafayette, who in 1828 urged him to write a book about contemporary America.

The book was *Notions of the Americans* (1828), a semi-fictional travel book (with autobiographical echoes) designed to offset the flood of English travel books ridiculing America. Cooper would afterwards date his fall in popularity from the appearance of this book. More immediately apparent to Cooper was that the book had a limited sale and that hostile British reviews were dutifully and deferentially reprinted in American publications without comment (it was not until the beginning of Jackson’s second term, in 1833, that Cooper’s praise of the president, in *Notions*, would take on dramatic significance). The didactic purpose of the book had been defeated at home.

Then three years later, after publishing two historical romances, there followed another failure to instruct America, his European trilogy, *The Bravo* (1831), *The Heidenmauer* (1832), and *The Headsman* (1833)—historical romances designed to expose the dangers of non-republican governments and which grew out of his seeing the seeming rise of liberal movements in Europe countered by a repressive conservative reaction.¹⁶ A tempered view of the series’

14. Charles Hansford Adams, “*The Guardian of the Law*”: *Authority and Identity in James Fenimore Cooper* (University Park and London: Pennsylvania State Univ. Press, 1990), 114.

15. *Letters and Journals* 2:84.

16. John P. McWilliams writes that “the three European novels were all completed at a time when Cooper was beginning to doubt the power of popular revolt to resist the entrenched aristocratic oligarchies which were everywhere ruling Europe” (*Political Justice*, 144). The letter to Richard Cooper, quoted at the beginning, catches Cooper in a more optimistic mood.

failure suggests that his general readers and the literary journals regretted that the novels were set in Europe, were too imitative of Scott, were too political, and to them were not very good. The aesthetic theories of the day, furthermore, found no place for politics in art; the explicit intrusion of current political issues disrupting a historical romance was deplored by the reviewers and Cooper's general readers. A story-teller had no business meddling in politics.¹⁷

The Whig press, for different motives, felt the same way. *The Bravo*, the only success of the trilogy, was, after an initial favorable reception in the press, made the means to attack Cooper through a remarkably imperceptive, personally abusive, and politically motivated review of the book (June 1832, in the *Whig New York American*), signed with the pseudonym "Cassio".¹⁸ The cause of this attack seems to have been related to Cooper's personal intrusion into real-life politics, in the so-called French Financial Controversy. Very briefly, at the urgent request of Lafayette, Cooper had somewhat reluctantly written a pamphlet, *A Letter of J. Fenimore Cooper, to Lafayette* (25 November 1831), a statistical account demonstrating the economic advantages of a republican form of government—a topic much debated in the changing political organization of France at the time. For his efforts the press at home accused him of meddling in foreign affairs. To Cooper all this betrayed an American press still far too subservient to foreign, espe-

17. George Dekker and John P. McWilliams, eds., *Fenimore Cooper: The Critical Heritage* (London and Boston: Routledge & Keegan Paul, 1973), 15. The editors point out that "it is crucial to distinguish newspaper reviews, inspired by party, from journal reviews which, with few exceptions, remained apolitical" (15). Stephen Railton, in *Fenimore Cooper: A Study of His Life and Imagination*, cites a narrative-halting passage from *The Headsman* as signaling Cooper's war with his countrymen; there Cooper sternly laments the deference to foreign opinion, which "possesses some such share of true modesty and diffidence, as the footman is apt to exhibit when exulting in the renown of his master" (Princeton: Princeton Univ. Press, 1978), 139.

18. See Dorothy Waples, *The Whig Myth of James Fenimore Cooper* (New Haven: Yale Univ. Press, 1938), 90–110; and James Grossman, *James Fenimore Cooper* (Stanford: Stanford Univ. Press, 1967 reissue), 87–93.

cial British, opinion, and a persistent, politically dangerous provinciality at home.¹⁹

As recent scholarship has made clear, it became characteristic of Cooper from this point on to confuse Whig editors' abusive opposition to his self-appointed role of spokesman for republican principles with his country's voice. One critic summarizes as follows: "[Cooper's] anger had been aroused by the failure of American reviewers to endorse his vindication of democratic principles by sufficiently praising his [recent] books or American readers to do so by eagerly buying them".²⁰

IV

At first Cooper was baffled and then nearly unnerved by the preliminary attacks as they came to his notice while in Europe. He wrote, on 16 March 1832, from Paris to a correspondent in New York:

I know not why it is so, but all that I see and hear gives me reason to believe that there is a great falling off in popular favor at home. I rarely see my name mentioned even with respect in any American publication, and in some I see it coupled with impertinences that I cannot think the writer would indulge in were I at home though their insignificance would in truth be their shield, were I at their elbow.²¹

Cooper stopped short of explicitly adding that his feelings had brought him to the point where he would quit novel-writing altogether.

Cooper did in fact reach this point about a year later. Soon after he had returned to America he issued on 14 January 1834 a pamphlet, *A Letter To His Countrymen*, in which he announced his retirement to the regret of his publishers and the delight of the Whig press. In the valedictory passage Cooper wrote:

19. For an analysis of Cooper's filial relationship with Lafayette, see Railton, *Fenimore Cooper*, 141.

20. *Ibid.*, 139–40.

21. *Letters and Journals* 2:237.

The American who wishes to illustrate and enforce the peculiar principles of his own country, by the agency of polite literature [i.e., novels], will, for a long time to come, I fear, find that his constituency, as to all purposes of distinctive thought, is still too much under the influence of foreign theories, to receive him with favor. It is under this conviction that I lay aside the pen. I am told that this step will be attributed to the language of the journals, and some of my friends are disposed to flatter me with the belief that the journals misrepresent the public sentiment. . . . I am quite unconscious of giving any undue weight to the crudities of the daily press, and as to the press of this county in particular, a good portion of the hostility it has manifested to myself, is so plainly stamped with its origin, that it never gave me any other uneasiness, than that which belongs to the certainly that it must be backed by a strong public opinion, or men of this description would never have presumed to utter what they have.²²

Among the “men of this description” Cooper had earlier, in *A Letter*, singled out Webb as the author of a condescending but not libelous editorial in the *Courier and Enquirer* (15 June 1833). The point again to be noted here is how Cooper defined the Whig press as the voice of his misguided countrymen. As much fantasy as fact, and vanity as honesty, lies in Cooper’s fusion of partisan politics with personal issues—a fusion that finds its parallel in his foes’ own perception of self and duty.

v

Cooper did not stop writing altogether. He finished up a Swiftian political allegory, *The Monikins* (1834), which he thought would make a tremendous impact but which instead became an object of ridicule, and also, over the next three years, a series of travel books that rehearsed political issues amid descriptions of people and places Cooper had known and seen. These too failed to

22. James Fenimore Cooper, *A Letter to His Countrymen* (New York: John Wiley, 1834), 98–99.

find a popular audience, although some were used to show how Cooper had traduced his own country's scenery to favor Italy's and insulted the British by criticizing their system of government and their table manners. Cooper's acerbic review of Lockhart's life of Walter Scott created another furor. Meanwhile, Cooper was also contributing a series of letters to the Democratic *Evening Post* (1834–36), wisely signing them A.B.C., in order to comment on the political events of the moment.²³

But all of this was minor skirmishing: as one critic notes, “[Cooper] needed a forum to reestablish his authority, to reassert his threatened identity, and in 1837 he found it”.²⁴ Confidently believing that the law of the land would certify both his personal integrity and his authority to speak for America, Cooper chose the law courts to be his forum. Psychological criticism, moreover, suggests that the law courts, with their aura of paternal authority, invoked for him the memory and prestige of his father. More specifically, another critic asserts that the judges from whom Cooper sought vindication were, for him, ultimately surrogates of Judge Cooper. From this viewpoint, Cooper's letter to his nephew, quoted earlier, about the Cooper name “occupying its old station” gains additional significance. International fame did not erase the fact that Cooper left Cooperstown in 1819 because he had failed to maintain the primacy of the Cooper family in the town his father had founded.²⁵ William Averell would soon remind him of this fact in a Cooperstown courtroom, as would the editorials of Webb.

23. *Letters and Journals* 3:61–64 *passim*. Beard notes that “the pseudonym provided a mask by which Cooper could escape the too self-conscious and, at times, querulous tone that mars much of his controversial writing” (64). See also Waples, *Whig Myth*, 157–85.

24. Adams, *Guardian*, 121.

25. Railton, *Fenimore Cooper*, 230–31; also cited by Adams (*Guardian*, 123). Adams follows Railton, while arguing that Cooper's recourse to the courts was part of “the national tendency to look to the law for a sense of individual and social identity” (Adams, *Guardian*, 123). Mark Patterson adds a valuable extension to Railton's analysis: “Cooper's obvious fascination with fathers [in his novels] is ultimately tied to his sense of historical change so that the issue of patriarchal authority must be seen not only as Freudian dissent but as part of a larger concern with the transmission of the father's virtues and authority and the ability of suc-

The Cooper family had returned to America on 5 November 1833, but it wasn't until 28 August 1834 that Cooper concluded arrangements with Averell to buy the Hall. The long-abandoned Hall required much refurbishing, and Cooper also made extensive design modifications, adding, among other things, ornamental Gothic windows. Although originally intended as a summer residence, financial constraints had the Coopers in full-time residence in 1837.

Complementing the restoration of the Hall was the re-establishment of the Coopers "as the first family in the village".²⁶ But the Coopers' architectural and social feats were not received with joy by all the villagers, who were largely transplanted Yankees. These people resented what seemed to them the aristocratic bearing of the Hall and its residents. An unfortunate situation arose, for in "the sharp confrontation between the provinciality of an essentially country town and the cosmopolitanism of a widely travelled family [neither] group was really able to make allowances for the other".²⁷ One of the allowances Cooper refused to make was further use of Three-Mile Point, on the western shore of Otsego Lake, by tradition a long-favored picnic area of the town, but legally Cooper family property. When Cooper, executor of his father's estate since 1834, published a notice in the Democratic *Freeman's Journal* on 31 July 1837, forbidding further use of the Point, outraged elements of the town immediately held a public meeting denouncing him and defying his prohibition. The occasion of the notice, originally

ceeding generations to possess or imitate those values. *Descent* may appear as *dis-sent*, but the more powerful conflict in Cooper's work is between historical change—the movement away from an origin—and the possibility of permanence—the presence of that origin in succeeding generations" (*Authority, Autonomy, and Representation in American Literature, 1776–1865* [Princeton: Princeton Univ. Press, 1988], 86). My own debt to Adams and especially to Railton is pervasive.

26. *Letters and Journals* 3:214.

27. *Ibid.*

intended as a warning against vandalism, was damage done to a tree “that had a peculiar association with my father”.²⁸

The newspaper notice gave the event a publicity beyond the village. In Norwich, New York, a small Whig paper, the *Chenango Telegraph*, edited by Elius Pellet, picked up the story: “Cooper—The Novelist—This gentleman, not satisfied with having drawn upon his head universal contempt from abroad, has done the same thing for himself at Cooperstown, where he resides”. A brief account of the Three-Mile Point episode followed, with remarks about the “littleness of the act complained of”. Pellet concluded:

The Cooperstown papers are silent on the subject. Will not the Republican [a Whig organ] give all the facts to the public? If not, perhaps Mr J. Fenimore Cooper himself will find the occasion a good one for addressing another edition of “Letters to his Countrymen?” At any rate, we think a full history of the affair would make an appropriate Appendix to the edition already published.²⁹

Andrew Barber, a young newcomer to Cooperstown who edited the *Otsego Republican*, saw fit to reprint Pellet’s article, adding his own commentary. Meanwhile, the much more influential *Albany Journal*, edited by the formidable Whig power broker and kingmaker Thurlow Weed, had on 12 August also reprinted Pellet’s article. Apparently Cooper was not ready to take on Weed, but in September Cooper filed suit against Pellet and Barber for libel, demanding a retraction.³⁰ But he did not push the suit; instead, he had published by a local printer a short history of Cooperstown and a political treatise (*The American Democrat*, 1838). Of greater immediate significance, he returned to novel-writing with the sequenced novels *Homeward Bound* and *Home as Found* (1838). The latter novel gave the Whig press its own forum, for Webb’s review of

28. *Letters and Journals* 4:271.

29. Quoted in Outland, “*Effingham*” *Libels*, 42–43.

30. *Ibid.*, 14. For an account of Weed’s career, see John M. Taylor, *William Henry Seward: Lincoln’s Right Hand* (New York: HarperCollins, 1991), 23, *passim*.

the novel brought the entire Whig enclave down upon Cooper; and then Cooper acted.

VII

Writing *Home as Found* (1838) clearly served profound personal needs for Cooper,³¹ but what will be emphasized here is how the book was read by Webb, who set the tone for the entire Whig campaign. Webb's response was—predictably enough—explosive, comprehensive, and ultimately irrational. However, his reaction could not have been as violent as it was had it not been possible to read the book autobiographically.

This was easily done. *Home as Found* was, first of all, something of a sequel to *The Pioneers* (1823), which was always viewed as having strong autobiographical elements. Templeton, the setting for both novels, was obviously Cooperstown, complete with Otsego Lake; furthermore, in *The Pioneers*, Judge Temple was modeled after Cooper's father, Judge William Cooper—a fact that in 1823 was easily apparent to the adult population of Cooperstown. Such was the force of the identification of the Temple family with the Cooper family that Otsego Hall was locally styled “Templeton Hall”, after the fictive Judge Temple's residence. But there were no grounds for equating Cooper with the young hero, Edward Effingham, who would marry Elizabeth Temple, the Judge's daughter. It was thought, however, that Elizabeth was an idealized rendering of Cooper's beloved older sister Hannah, tragically lost early in life.

The autobiographical elements read into *The Pioneers* confirmed those of *Home as Found*. Briefly, the descendants of Edward and Elizabeth Effingham—a widower also named Edward Effingham, his daughter Eve, and his cousin John Effingham—were introduced as having just returned, like the Coopers, from a long European sojourn. The social order envisioned in *The Pioneers*, set in 1793, was

31. In addition to the extended studies of Cooper already cited, two other influential treatments of the Home novels are found in Marvin Meyers, *The Jacksonian Persuasion* (Stanford: Stanford Univ. Press, 1957), 42–75; and Eric J. Sundquist, *Home as Found: Authority and Genealogy in Nineteenth-Century American Literature* (Baltimore and London: Johns Hopkins Univ. Press, 1979), 1–40.

altogether different from the one described in *Home as Found*, set ca. 1838. The earlier Effinghams were to be the exemplars of a landed gentry who would set the tone and manners of a social order based on an agrarian polity sustained by a sturdy yeomanry—all blossoming out of the wilderness. In the later novel, *Home as Found*, the same sensibilities of the Effinghams, now enriched by a European experience, continue to be present in their descendants. They remain the cultured elite, the all too apparent arbiters of taste and political judgments. However, the sturdy yeomanry had in the passing years been replaced by a greedy, spiteful people—a populace infected by an emerging “go-ahead”, money-worshipping, commercial culture. Among the exemplars of the new order are a cowardly and prying newspaper editor, Steadfast Dodge, and an opportunistic land agent and social vulgarian, Aristabulus Bragg. Standing in heroic contrast to these dire cultural trends are the Effinghams, particularly the father, Edward, who is described in such terms as “handsome”, “thoughtful”, “mild”, “philosophical”, “upright”, “clear-headed”, “just-minded”, and “liberal”.³²

All this, together with the tactless inclusion of the Three-Mile Point episode into the drama, was too much for Webb. The “handsome Mr. Effingham” was clearly James Fenimore Cooper himself. Webb’s duty was equally clear: to expose Cooper’s mad and egotistical projection of himself in Edward Effingham. On 22 November 1838 Webb published, in the *Courier and Enquirer*, a long review of *Home as Found* to do just that. The most pertinent sections read as follows:

We may in truth say, that we have never read an American Book with the same feelings of regret, pity, contempt, and anger, as the last work of Mr. COOPER; and never have we

32. The list is Webb’s, from his 22 November 1838 editorial; quoted in *Letters and Journals* 3:273. Steadfast Dodge is clearly a caricature of a Whig journalist. In his biography of Webb, Crouthamel quotes Marvin Meyers’ apt description of Dodge (“a shapeless mass of ignorance, arrogance, cowardice, avarice, envy, vanity, and servility, mixed with a certain low cunning”) then remarks: “Few Whig editors, and certainly not Webb, would be able to shrug off such a picture of themselves” (*Webb*, 780). Crouthamel cites *Jacksonian Persuasion*, page 63, as his source for the Meyers quotation.

entered upon so disagreeable a task as reviewing this publication of a countryman, who, forgetful of the kindness with which his earlier works were received, and unmindful of his duty to his native land, has basely and meanly devoted his talents to catering for the gross appetite which unfortunately exists in Europe, for every thing calculated to bring the customs, manners, and habits of Americans, into disrepute. . . . *We* . . . do know him as a base minded caitiff, who has traduced his country for filthy lucre and from low born *spleen*; but time only, can render harmless abroad, the envenomed barb of *slanderer*, who is in fact a traitor to national pride and national character. . . . it is certainly a matter of no importance to the public to know who Mr. Cooper's father was; but inasmuch as he has endeavored to deceive them, and in doing so has exhibited both weakness and a want of proper respect for the *truth*, we take the liberty of saying that Mr. C. is the son of a highly respectable WHEELWRIGHT of *New Jersey*, who has frequently been heard to declare that he was proud of his occupation and only regretted that while he labored at it, he was unable to manufacture as good *waggon*s as his brothers in the trade. He, at least had not false pride, and little dreamt that his son would ever lay claim to be descended from a noble English family instead of a respectable, hard-working Jersey mechanic. . . . Another object of this selfish book is to enable Mr. Cooper to abuse the public for having laughed at his political address [*A Letter To His Countrymen*] to the people in behalf of General JACKSON, when he hoped to be appointed Secretary of the Navy. . . .³³

33. Quoted in Outland, "*Effingham*" *Libels*, 69–77. Cooper's response to Webb's review appeared later the same day in the *Democratic Evening Post*; in the concluding passages Cooper notes, "The editor of the *Courier & Enquirer* writes as if we were well acquainted. This I deny; he is my junior, and I knew him slightly as a boy, and slightly when a young man. I do not think I have spoken to him, on five different occasions, in fifteen years. As the libels of the article will be made the subject of a legal investigation, I shall say no more" (*Letters and Journals* 3:351).

These passages expose some of the claims Webb would reiterate and refashion in subsequent editorials: that Cooper abused American culture in order to regain the British audience that he had lost through his political writings; that he was humbly-born and obsessed with money; and that, typical of the followers of Jackson, he was a political sycophant and false patriot. Webb's attack was quickly taken up by other Whig papers.³⁴

The battle was now joined. Cooper pressed his suit against Pellet and Barber, and in February 1839 a grand jury in Cooperstown returned an indictment against Webb. Not content to let matters alone, Webb published another attack on 24 May (for which Cooper brought a second charge of libel), stating that Cooper had stacked the jury with "Loco Focos"—a radical wing of the Democratic party. What interests us here are the tactical maneuvering of Webb and the counter-strategies of Cooper.

Cooper somehow learned of the defense Webb would in fact subsequently make. He wrote his American publisher, Isaac Lea, on 11 August 1839, that Webb would claim that Cooper wrote the "Home" novels for money. Cooper then asked if Lea would appear as a witness, as it was too late to obtain a "commission", or deposition, from Lea refuting the charge.³⁵ Meanwhile, on 26 August 1839, Horatio Averell, Webb's brother-in-law, wrote to Webb regarding the preparations for the trial:

Since I came here I have had some conversation with Mr. Walworth who has charge of your Cooper libel. He is decidedly of [the?] opinion that it will be best for you to postpone the trial and to be tried before the *court of General-Sessions*. He thinks that before that court you will have allowed to you a much wider range in your defense. Will not be so strictly confined to legal rules etc and of course if you

34. Besides Webb, Pellet, Barber, and Weed, Cooper sued William Leete Stone (*Commercial Advertiser*), Park Benjamin (*Evening Signal* and *New World*), and Horace Greeley (*New York Tribune*). Cooper sued some of the offenders repeatedly, as the editors reprinted each other, or offended anew. It is probably significant that Stone and Weed were once brief residents of Cooperstown (Outland, "Effingham" Libels, 38). Cooper's suit against Greeley was never resolved.

35. *Letters and Journals* 3:420–21.

have any desire to make Mr. C. ridiculous in the trial or in a *report* of the trial that you will have [a?] much better chance to do so at the Sessions than at the Circuit. I know Gridley the Judge of the Circuit well & I think you have much to fear from his bias and prejudice both in the trial of the cause and also in the infliction of a heavy fine if a Jury should determine that you are guilty of *technical* libel. It is thought that the Judges composing the Court of Session will be rather in your favor as against Cooper if they have any bias on either side and that they would not under any circumstances probably inflict more than a nominal fine. The Jury for this circuit court *are drawn* and unfortunately there are upon it no men of character to be relied upon by you. They are mixed politically, but are all supposed to be men of but little independence & men who would in making up their verdict be very much governed by the charge of the Judge. They would want nerve to resist an adverse judicial charge even if their impressions on the trial were favorable to you. Mr. Walworth thinks there will be no difficulty in putting the matter over to the Sessions if on the whole you shall think best. But it will be necessary probably for you to come up at the Circuit as an affidavit may be called for from you. It will not be necessary to bring with you counsel if on reflection you shall think best to postpone the trial. On the whole the matter will be for you to determine whether to go to trial now or not. Your counsel in N.Y. may have advised you that there is no danger of conviction & it may be there is none. But you should consider well whether it is best to try it with the chances more against you now than they may be hereafter. Should you conclude to go to trial now your friends here will do all they can. My brother Wm. has within the last hour returned from the East he called at the Courier Office to see you on Saturday but you were out of the city. He says I must say to you that when you come up you must come directly to his house & make it your quarters while you stay here. He says if you do not he will abandon you on the trial. The Court of Sessions will

sit on the 2d Monday of Oct. next. Write me at Troy on receipt of this whether you will go to trial now or have it postponed. If it will not be too much trouble it might be well to come with at least one counsellor upon whom you can rely on the trial & then be governed by your own opinion after you arrive as to the policy of going to trial. Write me.

Truly yours

H. Averell³⁶

Webb's subsequent version, in his *Courier and Enquirer*, of the trial on 9 September 1839, makes clear that he anticipated skullduggery in the Otsego County venue (which had always voted Democrat). Averell, who appeared as one of Webb's attorneys, stated in court that Cooper had in his pay the District Attorney's law partner, Browne, who was charged with the task of obtaining the original grand jury indictment. Webb transcribed and published the following exchange in which he intended to expose the shallow trickery afoot:

The Court instantly called upon Mr. AVERELL to abstain from all remarks of a personal character.

Mr. Browne. (Shaking his fist at Mr. Averell). You must retract that speech Sir, on the instant, or when you leave this room, I'll compel you to do so.

Mr. Averell. If I have said ought disrespectful to the Court I certainly regret it, and will most cheerfully make any explanations that may be necessary; but I have no explanation to give the counsel opposite.

Mr. Browne. I confess to the Court that when I first heard the insulting remark of Mr. AVERELL, I felt considerably wiled; but I am quite cool now, and as Mr. A. is universally known in this county, I shall take no further notice

36. Letter (transcript copy) from Horatio Averell to James Watson Webb, 26 August 1839, James Watson Webb Collection, George Arents Research Library, Syracuse University. See note 8.

of him!!! I will take this occasion to say that I never spoke with Mr. COOPER on the subject until after it was found by the Grand Jury.³⁷

In the event Webb did secure a postponement until the next year, pleading that it was impossible for him to have all his lawyers present. Meanwhile, Webb's friends were at work in another way. Webb, as the next letter from William Averell reveals, was aware of arrangements to have copies of Park Benjamin's *New World*, containing defamatory material about Cooper (possibly composed in part by Webb), circulated among the prospective jurors in Cooperstown. The ploy failed, for next year Webb had to secure another postponement after Cooper obtained a change of venue from Otsego County.

On 3 September 1840 William Holt Averell, apparently reminding Webb of their previously formulated defense strategies, wrote from Cooperstown:

My Dear Webb: I think it important to show from Cooper's works that in his opinion no work on America will sell *well* in Europe, particularly in England, unless spiced with abuse of the country, its people and institutions. Now I am quite sure such an opinion has been expressed by him in more than one instance in his work, but where to look for it I do not know, and to search his works for it is not possible here, as there is no one out of his family that has the series of his publications. Have some one search his works thro, or the reviews, and if the passages are found bring the work or works containing them up with you. You charge that he wrote for filthy lucre. We will show that he published in Europe, and if we can show from his own former publications that to secure a sale in Europe, it was necessary to abuse the country, we make a *strong point*. Bring with you a copy of *Homeward Bound* and *Home as*

37. Quoted in Outland, "*Effingham*" *Libels*, 236. Crouthamel writes, "[Webb] considered himself an expert in almost every field of human endeavor. . . . He stated his positions with a dogmatic certainty, and he regarded any challenge to them as a personal affront deserving of punishment" (*Webb*, 71).

Found—a perfect copy—not the mutilated one. Say nothing to anyone, at no time or place, of any agency in the review in the New World, or of your knowledge of its appearance before published, etc. See that the manuscript is destroyed, or at least take it into *your own possession*.

Make no admission [*sic*] nor permit Snowden or any in your office to make any declarations, as to the authorship of the articles on which the indictments have been found, if they or any of them are subpoenaed, see that they do not come. Say nothing to them yourself, but have it brought about thro another, etc.

In haste, yours,

W. H. Averell.

Write me advising on what day you will be here and who in company with you, also what counsell [*sic*] you can rely on.³⁸

On 14 April 1841 Webb wrote another long editorial (dispensing this time with the pretense of a book review) that began “*The Handsome Mr. Effingham*” and attacked Cooper for ruining Barber, and, in his recent history of the United States Navy, slandering Commodore Perry. As the following excerpt shows, Webb’s rhetorical strategy is to speak boldly for the people of Cooperstown, who were defenseless against Cooper’s antics:

What a spectacle does this present of the doings, the character, and the position of Mr. J. FENNIMORE COOPER, in the place of his birth, and his present residence, where he is surrounded by all the associates of his boyhood—the very persons among whom his whole life, with the exception of a few brief years, has been spent! He returns from Europe full of false pride, and utterly forgetful of his humble origin; establishes himself in the home of his fathers, which had passed into the hands of strangers, but which a connection

38. Letter from William H. Averell to James Watson Webb, 3 September 1840, George Arents Research Library, Syracuse University.

of ours [William Averell] partaking of the general good feeling existing towards him, kindly replaces in his possession; he then seeks to mold the society and feelings of all about him to suit his newly acquired ideas of importance; and when he fails, quarrels with his neighbors, is sued in the courts as a *petty slanderer* of honest men's reputation, forbids the people to visit a certain quarter-acre of land and occupied from time immemorial as a Fishing Point, is foiled in his attempt to enforce his prohibition, writes a Book and abuses all who have thwarted him, and in the Book describes himself as one "handsome and dignified Mr. Effingham," whose quarrel with his neighbors in regard to this very Fishing Point, is so minutely set forth, as even to copy verbatim the notice of the public meeting denouncing *J. Fennimore Cooper!* . . . We exposed his ridiculous attempts to impress upon the people of Europe the idea of his being nobly born—descended from a family knighted in 1601; and we show that his father was a highly respectable but coarse and uneducated *waggon-maker*, and his mother the daughter of a notorious Huckster woman, who for a quarter of a century was known in the Philadelphia Market as the very best *pedlar of green vegetables* in the best of Markets. . . .³⁹

On 19 November 1841 Webb was tried for criminal libel, but the jury failed to reach an agreement. Webb, however, retracted his 24 May 1839 article, which was the basis of the second charge. On 10 May 1843, Webb was tried a second time, and again the jury failed to agree. Finally, in a third trial on 23 November 1843, Webb was found not guilty of criminal libel.

Judges and juries became a third factor in the conflict between

39. Quoted in Outland, "*Effingham*" *Libels*, 221–22. Webb, in the 22 November 1838 editorial, wrote that Cooper "from a desire to impress foreigners, at least . . . that he is of a far nobler descent than most of his countrymen" has Eve Effingham boast of a heritage older than Sir George Templemore (a British friend of the Effinghams whose title dates from 1701). Webb's date of 1601 is apparently his interpolation. For the passage in question see Outland, "*Effingham*" *Libels*, 75–76.

Cooper and Webb (as well as Cooper's other litigants). As one critic notes, Cooper, in his civil libel suits, had the law on his side. A jury was impaneled, but the verdict issued from the judge, who interpreted the law and simply instructed the jury with assessing the amounts owed for compensation; these amounts were always small. However, in a case of criminal libel, a jury acts as interpreter of the law: "The statutes might be clear that whoever libeled another was responsible to society and should be punished, but the juries, acting for the moment as society, were equally clear that they were not interested in holding an editor to his responsibilities by sending him to jail as a criminal".⁴⁰

Some critics have viewed Webb's exoneration as a major defeat for Cooper. In a way it was: the sale of Cooper's books was no doubt injured by the newspapers' refusing to review them. But the point is, Cooper *did* produce books. The lawsuits had in fact liberated a burst of creative energy that he sustained for the rest of his life. During the period of the lawsuits alone (1837-45), ten novels and a naval history came from his pen. With their publication his authority was reestablished.

VIII

Critics have amply demonstrated the profound emotional bond with his father that Cooper maintained, struggled against, and finally capitulated to; but it also seems that Judge Cooper had a potent hold on other sons in Cooperstown: William Averell and James Watson Webb. The violence of Webb's attack on Cooper and the Averells' zealous encouragement of it can reasonably be explained if one recalls the dominating influence of Cooper's father, the old judge, who now seemed less a ghost in the image of his son. While there is scholarly agreement that Webb's target was as much Jackson as Cooper, this third figure—a rebarbative figure—must be considered: namely, the founder of Cooperstown, Judge William Cooper.

Webb, in his editorials, constructs Judge Cooper's image as a

40. James Grossman, "Cooper and the Responsibility of the Press", in *James Fenimore Cooper: A Reappraisal*, ed. Mary E. Cunningham (Cooperstown: New York State Historical Association, 1954), 511-12.

humble, self-effacing artisan. This was not the Judge Cooper anyone knew in life, as Webb must have known. Judge Cooper was a formidable personality, rich and politically powerful—not the benign, modest ex-wagonmaker Webb created; he was instead “the mirror of partisan perfection as a Federalist squire”, proud that there were “40,000 souls holding land directly or indirectly” under him.⁴¹ For nine years he had been judge of Otsego County and had also served two terms in Congress. Jealous of his power, he could be autocratic and violent. Insisting that “government had better be left to gentlemen, and that simple folk should vote as they were told”,⁴² he had on one occasion threatened with ruin debtor tenants who wouldn’t vote as he directed. In an abortive 1792 impeachment proceeding, one debtor-tenant testified: “Judge Cooper said to me ‘[W]hat, then, young man, you will not vote as I would have you—you are a fool, young man, for you cannot know how to vote as well as I can direct you, for I am in public office.’”⁴³

The question is, why did Webb, even given his practice of random statements, create this wildly false figure? First of all, of course, Webb meant to explode Cooper’s pretension to a distinguished heritage, dating from 1601—which, as noted before, is what Webb’s eccentric reading obtained by insisting that *Home as Found* was autobiography. More pointedly, Webb’s benign image of William Cooper served a strategic purpose: by reducing William Cooper (along with his wife) to ordinariness, Webb eliminated the Judge’s authority, and the authority claimed by his son, James Fenimore Cooper. Webb’s sentimental regard for Cooperstown also effectively erases the presence of Judge Cooper. In all of this Webb was being emotionally consistent. Webb, as a boy, had walked away from the control of his guardian in Cooperstown, and thereafter more openly defied a series of authority-figures: his commanding officer in the army, rival editors, President Jackson, and eventually, the world-famous James Fenimore Cooper. Webb’s

41. Dixon Ryan Fox, *The Decline of Aristocracy in the Politics of New York* (1919; reprint, New York: AMS Press, 1976), 136.

42. *Ibid.*, 137.

43. *Ibid.*, 140–41.

emotional ties with the Averell family, moreover, added a further dimension to his own conflict with authority by adapting their particular situation to his own purposes.

The Averells had their own stand to make against the Coopers, and *Home as Found* provides us with an interpretive method for exposing the Averell animus. In chapter twelve, Cooper describes the evolution of a community out of the wilderness as presenting three distinct stages: the first stage, clearing the land, is the happiest, for then the community is united by mutual interests and hazards.

The great cares of life are so engrossing and serious that small vexations are overlooked, and the petty grievances that would make us seriously uncomfortable in a more regular state of society, are taken as matters of course . . . Good-will abounds.

But once the hardships of the initial stage are surmounted, the community reshapes itself in a less pleasant form:

Now it is that we see the struggle for place, the heart-burnings and jealousies of contending families, and the influence of mere money. Circumstances have probably established the local superiority of a few beyond all question, and the condition of these serves as a goal for the rest to aim at. The learned professions . . . take precedence, as a matter of course—next to wealth, however, when wealth is at all supported by appearances. Then commences those gradations of social station that set institutions at defiance, and which as necessarily follow civilization, as tastes and habits are a consequence of indulgence.

The third and final stage brings a state of society in which “men and things come within the control of more general and regular laws”.⁴⁴ Cooper’s schema is general and idealized; nevertheless, the second-stage mentality aptly fits the Averells’ situation. Their fortune was linked to Judge Cooper, who sold James Averell Jr.’s land;

44. James Fenimore Cooper, *Home as Found* (New York: Capricorn Books, 1961), 163.

but when Cooper, his older four older brothers having mismanaged their father's estate before themselves dying, was driven into a type of exile in Scarsdale, William Averell, as noted earlier, eagerly gathered up Cooper properties. Symbolically, with their purchases—especially that of the Hall—the Averell clan also took possession of the Coopers' place in the community. Finally, since the children of James Averell chose to stay in the Cooperstown area and to do what the Cooper children did not do—that is, make a go of it—pride of place doubtlessly became a significant factor in their conflict with Cooper.

Thus, William Averell was willing to profit by Cooper's return by unloading the Hall at a good price. But as soon as Cooper asserted himself, the Averell prestige diminished and time seemed to go backwards. Fortunately for their cause, the Averells had Webb to lead the way and to provide a vehicle for their resentment of James Fenimore Cooper, who returned to his father's house and supplanted his father at some level of their consciousness as well as Cooper's. For the Averells and Webb—and Cooper—it was as if he had never left.

IX

Cooper died on 14 September 1851; he did not live to see the great changes in the culture produced by the Civil War. Perhaps had he lived to a very old age he would have written, as a retired Harvard professor did in 1889, "that the Civil War had created a 'great gulf between what happened before in our century and what has happened since, or what is likely to happen hereafter. It does not seem to me as if I were living in the country in which I was born.'"⁴⁵

Webb lived almost thirty-three years longer than Cooper and not only lived to see the changes but also to play a minor role in their evolution. He sold the *Courier* in 1861 to move in the exalted circles of national service as minister to Brazil. The *Dictionary of*

45. George Ticknor, quoted in James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Ballantine Books, 1988), 861. McPherson gives as his source for the Ticknor quote Morton Keller, *Affairs of State: Public Life in Late Nineteenth Century America* (Cambridge: Harvard Univ. Press, 1977), 2.

American Biography states that “the record of his eight strenuous years in Brazil is marked by an alert patriotism and a bold energy verging on rashness”. An earlier appointment to Austria had to be withdrawn, but not before the title of general was conferred on Webb. He retired from diplomatic service in 1869, traveled for two years in Europe, and then lived the last fifteen years of his life in quiet retirement.

In his private life, two marriages brought Webb ten children who lived to maturity. His son Alexander Stewart Webb served with distinction in the Civil War, rising himself to the rank of general. Thus, James Watson Webb was able, like his father, to contribute to the well-being of his country through government service and through his son to duplicate the honored military career of his father, an aide to Washington. Two years before his death on 7 June 1884, Webb published *Reminiscences of General Samuel B. Webb*—an act suggesting that Webb, like Cooper, had a powerful father to struggle against, to justify himself to, and finally, through his biography, to come home to.