Daniel Webster and the Supreme Court. By Maurice G. Baxter. ([Amherst]: The University of Massachusetts Press, 1966. Pp. ix, 265. Notes, appendix, bibliography, index. $6.75.)

Baxter's account of Daniel Webster's career as a lawyer before the Supreme Court of the United States is an important contribution to an often neglected aspect of the development of constitutional law. Aside from the group studies by Clyde Jacobs, Benjamin Twiss, and Arnold Paul of late nineteenth-century lawyers, there has been a dearth of writing concerning the impact of counsel on Supreme Court decisions and doctrines. As a participant in many of the significant constitutional cases before the Marshall and Taney courts, Webster is an obvious focal point of interest. Baxter has examined Webster's role comprehensively, and with a sophisticated awareness of the political, economic, and social setting and ramifications of constitutional controversies.

Webster's adulation of judicial power, his distrust of legislatures (how paradoxical for someone who called himself a "Whig" and who has been honored as one of the "six greatest senators"!), and his abiding concern for the protection of property rights, summarize the working principles of most of his great constitutional arguments before the Supreme Court. Indeed the *proper* protection of property and economic growth were the great issues of political economy that spilled over into the courts. But it is unclear whether Webster fully appreciated that the tension was minimal between those, like himself, who emphasized the stability and order to be derived from a legal system and those who looked to the dynamic quality of law to release creative human energy and to stimulate economic growth. The latter, such as Webster's "new bridge" opponents in the Charles River Bridge Case, certainly were not hostile to property; the difference boiled down to which view would best encourage investment—that key to the prosperity, or "happiness," which so preoccupied the market-oriented mentality of bustling, bourgeois America.

Webster's was not necessarily a creative, inventive mind. It may be suggested that his *forte* was the ability to synthesize available, received doctrines and to present them in an effective, often dramatic manner. He functioned in what has been labeled the "lawyers' golden age of public leadership," and his task was to formulate and advocate the legal sanction for certain interest groups. This he did with unusual success until the 1830's—that is, during the chief justiceship of John Marshall. After the latter's death Webster found the Taney Court less receptive toward his views and, with others, lamented the passing of the "old race of judges." Unlike his fictional re-creation, Webster had his problems with "devils."

In any event there is no need to dispute Baxter's well-substantiated conclusions. As a participant in major constitutional and legal controversies, Webster significantly contributed to the rationalization for national power and labored to exalt the role of the federal judiciary within the constitutional apparatus. He was relevant within his contemporary context and, in many ways, even more so for the future.

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