The Devil and Daniel Webster

Robert W. Gordon, Yale Law School

Document Type
Article

Comments
The Devil and Daniel Webster, 94 Yale Law Journal 445 (1984)

Abstract
Professors Konefsky and King have done heroic and intelligent labor in striving to make the records of Daniel Webster's practice accessible and interesting. Since Webster's own law office files have been lost, the editors have had to reconstruct his practice from other sources, in particular the records of the forty-one New Hampshire, Massachusetts, and federal courts in which he appeared. They have also published a good deal of Webster's correspondence on legal matters. For each of Webster's fields or subfields of practice, the editors have selected a representative case or two, presented all the documents they could find relating to the cases (from requests for legal advice through summonses, pleadings, depositions, notes for arguments before judge or jury, to post-trial motions and proceedings), and-most usefully-supplied an introduction providing the social and legal background to each field. In what are probably the most revealing chapters, the Legal Papers pull away from this fairly standard format to offer perspectives on nineteenth-century practice that cut across substantive legal categories. There are sections on legal education; on the general scope of practice in a rural community (Boscawen, N.H.), provincial town (Portsmouth, N.H.), and major city (Boston); on ethics; on attorney's fees; and on the connections between practice and politics. These general sections lie at the heart of the editors' enterprise. Conscientious though they are in the reporting of legal minutiae, Konefsky and King are really most concerned to furnish materials toward a social history of the legal profession. In this ambition they have succeeded splendidly.

Date of Authorship for this Version
1984

Recommended Citation
Gordon, Robert W., "The Devil and Daniel Webster" (1984). Faculty Scholarship Series. 1369.
https://digitalcommons.law.yale.edu/fss_papers/1369