

FORENSIC ELOQUENCE.

that speaks; it is the law that speaks through him. The words fall from his calm and passionless lips as from the lips of a marble statue; human sympathy and feeling he puts far from him as delaying or diverting the free course of justice. He ceases to be a mere man; he is the impersonation of law. We stand before him as in the presence of a divine power—an oracle of God, whose voice is uttering the decrees of infinite wisdom.

It is not solely by the strength of his reasoning or the force of his eloquence that the advocate persuades the jury. They have, like other men, their prejudices and prepossessions, often strong in proportion as they are unreasonable; these must be understood and humoured. Their modes of thought, depending upon their pursuits, their positions in society, their degree of intellectual cultivation, are to be carefully studied; their countenance, their dress, their attitudes, must be carefully noticed. He who passes these by as matters of little moment, will often find himself defeated by an opponent far his inferior in learning and ability, but who better understood the character of the persons whom he is addressing. The contrivances of counsel to obtain the good will of the jury are sometimes very ungenerous and amusing. It was said by an eminent lawyer in one of the eastern States, when speaking of a learned brother, that the latter had the advantage of him in one respect. He was in the habit of using tobacco, and when engaged in his argument, would turn to some prominent jurymen, who was a lover of the weed, and in an off-hand, familiar way ask him for a quid. The jurymen flattered at finding such a similarity of tastes and habits between himself and the dignified counsel, would follow the example, and the good impression made on his mind was not unfrequently transferred from the advocate to his cause. Even so eminent an orator as Patrick Henry did not disdain to have recourse to vulgar phrases and vulgar modes of pronunciation, to gain the favourable ear of the illiterate; and Mrs. Martineau relates that Webster, at the trial of the Knapps, made careful inquiries into the dispositions of those to whom he was about to speak.

Juries often complain, and with great justice, of the tediousness and perplexity of the speeches to which they are obliged

to listen. However wearied they may be, they can express their dissatisfaction only in dumb show. Coughing and stamping, and the other well-known means to which other audiences resort to drive away oratorical bores, are forbidden to them. So long as the advocate shall choose to speak to them, they cannot choose but hear. Something, perhaps, should be ascribed to the prejudices of clients, who estimate the goodness of speeches by their length, and who think that their interests have been neglected because little has been said about them. It should, however, be borne in mind, that although the hearer may be convinced early in the trial, yet it is impossible that the speaker should know that he is so convinced. He is bound by his duty to present all the arguments that he can think of, even at the risk of wearying those whose opinions are already formed. But for the series of tautology and repetition which are so common in congress as well as at the bar, there is no excuse.

Of all the eminent lawyers in this country, Aaron Burr was most distinguished for his power of condensation. Even when replying to a speech of Alexander Hamilton (no illogical reasoner), which had occupied nearly six hours in its delivery, he spoke only for an hour and a half. He never sacrificed his logic to his rhetoric; metaphors, similes and illustrations, of all kinds he unsparingly rejected when they contributed nothing to the force of his argument. In every thing he aimed at an energetic brevity. Strike out a single word from one of his sentences and, like an arch that has lost its keystone, the whole fabric falls. It may indeed be questioned whether he did not carry his love of brevity to excess, and did not fall into the error of clothing his thoughts in so plain and unadorned a dress as to render them distasteful to uncultivated minds. In what we have said we had reference solely to argument before juries. Argument before judges on technical points of law require talent of a very different order. No knowledge of human nature is required. There is no necessity for graphic description. Brilliance of imagination and warmth of colouring are but stumbling-blocks in the advocate's way. There is no dispute about the facts. It is the knowledge of the precedents, the power of making subtle