

FORENSIC ELOQUENCE.

The more just the advocate's perception of the relative value of the things, the quicker his sense of the ridiculous, the less inclined will he be to sympathize with his client, and to indulge in that inflated style which the latter would himself use. Hence, he may appear to the parties interested, cold and indifferent, when in fact he has adopted the only course that would save him from the open ridicule of the court and jury.

Perhaps no man ever entered more entirely into the feelings of his client than Erskine. The fear of compromising his dignity by appearing deeply interested in trivial matters, he never felt; without passing over the limits prescribed by good taste he was ever earnest and impassionate. This warmth and sensibility, while they gave him that influence over a jury which earnestness always exerts, preserved him from those mere oratorical displays which men of colder temperament are apt to make. In all his pleadings he never introduces a topic to show his own learning or eloquence. There is no brilliant declamation, composed in the closet and thrown in for the purpose of exciting the admiration of the audience. Every thing seems naturally to arise from the subject, and tends to help forward the argument. He speaks just as he would have spoken had he been arguing his own cause, never using those gaudy decorations, or seeking those fanciful illustrations which suggest themselves only to the cool and indifferent mind. Nothing can be more striking than the contrast in this respect between him and Sir James Mackintosh. Sir James, when at the bar, never lost sight of himself. Between himself and his client there was a great gulf fixed, which he could never bridge over. His famous oration in behalf of Mr. Petien was a learned, ingenious, and in some parts eloquent performance; but much of it would have found quite as appropriate a place in his lectures on the law of nations. So little connexion had it with the immediate subject-matter of the prosecution, that Mr. Petien is said to have complained bitterly that he was sacrificed to the personal vanity of the advocate.

There is, it must be confessed, something a little ludicrous in the spectacle of a man pleading with the greatest vehemence and energy in defence of those interests which he would have attacked with

equal vehemence and energy had he been retained upon the other side. To superficial observers, this earnestness and apparent conviction of the goodness of his cause seem feigned, yet we see no reason to doubt that in the great majority of cases he is perfectly sincere. He acts under the guidance of a principle which governs to a greater or less degree the conduct of every man. Every day men argue in support of opinions which they have adopted without mature consideration. He who strives to convince another of the truth of any proposition, however unsuccessfully, almost always ends by convincing himself. Many a religious and political disputant has become, by the force of his own reasoning, a convert to those doctrines which he at first defended only in sport. With the advocate it is a matter of entire indifference which side he espouses. Nor can this indifference be charged upon him as a serious offence; it is but rarely possible for him to know in advance the merits or demerits of his cause; and when, by the examination of witnesses, the facts fully appear, his feelings are then too much enlisted to allow him to weigh the arguments with impartiality. Like the soldier on the battle-field, he is but ill fitted, in the ardour of the contest, for a calm investigation whether it is not possible that he may be fighting on the wrong side.

With the judge the case is entirely different. He sits as a moderator—one who moderates and restrains the warmth of the contending parties. It is his duty to sum up, impartially and dispassionately, the arguments on both sides. There is no sight in the universe of greater moral sublimity than that of an able, upright and impartial judge sitting on the seat of judgment. His clear and capacious intellect disentangles the most complicated and intricate questions. He penetrates, at a glance, through the subtle sophistries of the advocate. With a word he dissipates the spell which his ingenious and seemingly unanswerable reasoning has thrown over the minds of the jury. He lifts the veil from successful villainy, and illumines the darkest recesses of crime with a flood of light. Persecuted innocence reposes at his feet in safety. The high and the low, the rich and the poor, in his sight, as in the sight of the great Judge, are all equal. It is not he himself