

against him as a mere matter of opposition. A feeling of sympathy, too, for the person bullied is often at work, and while the bully has his fling his opponent secures the verdict. A marked case of this kind occurred very recently at the present assizes; and, be it well founded or not, (we trust it is not) the jury is supposed to have felt that one adverse verdict was not a sufficient punishment for the offence; or perhaps, to put it more fairly for the jury, they were unable for some time to overcome their resentment and to act without the personal bias which they had acquired. Juries cannot separate entirely the clients from their counsel, and neither can complain if an overbearing insistence upon a verdict secures one for the other side.

As against a weak opponent or with a timid judge, success may sometimes be obtained by bullying,

“Asseveration blustering in your face,”

seems to make

“Contradiction such a hopeless case.”

But such success, gained as it is by the infliction of pain upon others, is far from enviable. The great majority of barristers would, as a matter of free choice, prefer a less prominent position with the esteem and friendship of the bar and the public, than a leadership won by inconsiderate and indiscriminate abuse of all opponents.

Emerson, in writing of “men of this surcharge of arterial blood”—as he calls them—allows that “the affirmative class monopolize the homage of mankind,” and that “all *plus* is good;” but he carefully adds, “*only put it in the right place.*” Such men, he says, “are made for war, for the sea, for mining, hunting, and clearing; for hair-breadth adventures, huge risks, and the joy of eventful living . . . Their friends and governors must see that some vent for their explosive complexion is provided. The roisters who are destined to infamy at home, if sent to Mexico will ‘cover you with glory,’ and come back heroes and generals. There are Oregons, Californias, and Exploring Expeditions