

HOW TO ARGUE A BAD CASE.

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IN arguing a bad case before the judge, the first thing for the sagacious practitioner to do, is to get as far away from the merits of the case as possible. With this idea you must make your real case of secondary importance, or further off even than that, if possible. Plant yourself at once, therefore, upon some broad principle, and endeavor to allure the other side into grappling with you upon it. Rise above the mere case of your Mr. Jones, and make the country at large stand as your imperiled client. In other words, the first thing to do, if possible, is, with a look of profundity, and voice of rotundity, to raise a "constitutional point."

Now there is nothing so pleasing to the ordinary *nisi prius* judge as to have raised, in his court, deep problems of constitutional law. When you rise, with a copy of Coolley, Story and other constitutional authorities before you, and, for purposes of greater impression, the fifty pound volume of the United States Revised Statutes, containing the Federal Constitution (for the bigger the book the better, in constitutional arguments), you will perceive the judge at once undergo a marked change. If he has, from Democratic tendencies, or from the heat of summer, taken off his coat or drawn his boots, you will see him carefully put them on, and, bracing himself back as an "upright judge," sit with a thoughtful air, conscious that there now hangs upon him the destiny of the country and of the future unborn. You may perhaps perceive during the argument none of the usual signs of weariness, but rather that expression of fortitude and death which one might imagine Chief Justice Marshall's countenance to have exhibited during the argument of the Dartmouth College case by Daniel Webster.