

## FORENSIC ELOQUENCE

*By Hon. A. W. Wilkinson of the Texas Bar.*

The establishment of courts is a step in human progress which can be taken only when society has reached a development of considerable complexity. We understand by a court, if it is permitted one to make his own definition, that agency of civil government to which is committed the power and duty of applying to each particular controversy as it arises the rights secured and rules of conduct prescribed by the general law of the land, bringing the parties before it by due process, allowing them opportunity to be heard, determining the matters at issue by a formal judgment, and enforcing its decrees. This presupposes, of course, a state of society in which individual liberty has so far progressed that such questions are determined by fixed law and not by the mere specific will or caprice of the ruler. Law, then, becomes a science and its administration is necessarily committed to the hands of experts; and this landmark in social evolution can hardly be said to have been established in the world till it first heard "the mighty name of Rome."

With Rome came the science of law and with that the lawyer; for the right to a hearing before a tribunal determining the claims of the citizen in accordance with fixed principles can only be effectively safeguarded by the presence of an advocate trained in those principles and skilled in sifting and ascertaining the facts to which they are sought to be applied. The poor, on the authority of the Man of Nazareth, we have with us always; and the lawyer, being generally poor, may be considered an heir to this promise. At all events, we are likely to have him so long as we have civil society, for he is its most efficient guardian. The stinging reproaches of the Savior upon lawyers cannot be accepted as an indication that the humble philanthropists now known by that name will or should be abolished much before the millenium. It is well known that the term, as used in the gospels, referred to a class we would now call theologians. The preachers have translated the Scriptures and contrived to transfer the obloquy to another and an innocent profession.

We are forced to realize how great was the social advance which the lawyer's appearance in history marks when we compare

the eloquence of the Athenian with that of the Roman orators. The one, though uttered in what was termed a trial and before what is called a court, was distinctly a popular or political appeal, designed to make the body addressed feel that it would like to do the thing to which the speaker sought to persuade it. The other was the argument of one who must convince a tribunal that the judgment sought was one required by the settled principles of a land of liberty protected by law. Certainly the Greeks were great orators. Masters of all the arts, they seem to many to be our models in this, as in literature, sculpture and architecture. But if this be true, one must lay aside his modern instincts and become saturated with the spirit of the antique life to feel that it is so. To the lawyer the Greek oratory violates every tradition of his training, every acquired instinct of his calling. Between Demosthenes' Oration on the Crown and Cicero's Defense of Milo, we seem to have passed from a world governed by popular or personal despotism, benevolent or malignant as the case may be, to one where the tribunals must at least profess allegiance to civil liberty and settled rights.

For many centuries the advocate has been a familiar figure to the world, and for much of this time he has constituted the most numerous, the most highly skilled, and the ablest class devoted to the profession of influencing human conviction and action by the persuasion of the tongue. The forum has been the world's great school in this art. Sparkling or dull, eloquent or tedious, the flood of speech has flowed through the courts for ages, and will continue to flow, whatever changes in its manner and methods the fashions of the day may impose.

Yet if we look at the collected specimens of the world's eloquence, it is remarkable how little figure is cut there by the oratory of the advocate. The productions of the clergy sleep, or diffuse sleep if disturbed, in ponderous volumes awful in number and weight. The declamations of the statesman repose in monumental quartos. Yet only here and there has there survived in print any memorial of the efforts of the lawyer for his client. There is reason for all things and must be one or several for this. Some of these I would briefly suggest.

The lawyer's speech is necessarily unwritten. The materials are furnished him in the trial and he must deal with them at once. Even in these days of stenographers they are rarely reported. Necessarily they assume a knowledge by the hearers of many

things fresh in their memory—the evidence, the argument replied to—which are not to be supplied by a reader. The form which would make them intelligible to a later student would be destructive of their effect upon the hearer. They ought not to be, and seldom are, preserved. The merit of the great advocate soon becomes a mere tradition, and usually a short-lived one.

Then the lawyer's eloquence is exerted for temporary purposes only. His object is to secure a particular and immediate action from one or several persons whom he addresses; everything else is necessarily subservient to this demand. And because this is so he must deal with the minds of his hearers in such condition as he finds them. He can in only a limited degree make his work educative, profound or philosophical. Making his best effort to determine how much knowledge, what sympathies or prejudices, what ideas of human conduct or motives he is addressing, he must consider very little the possibility of correcting his hearer's shortcomings in any of these respects, and very much the possibility of turning their shortcomings as well as their longcomings to the profit of his client. For he has no time whatever for arguing a jurymen out of his previous conceptions of human nature or conduct and very little for arguing the judge out of his misconceptions of law. "Quite so, Your Honor, but"—must be his ordinary form of response to the announcement from the bench of a view hostile to his case. A settled opinion in the judicial mind is a position not easily taken by assault, and the advocate never has time for siege operations. A turning movement is all that is ordinarily left him.

Consider how different the position of the clergyman who addresses much the same audience from week to week and from year to year and whose work is largely an educative one and cumulative in its effect; or that of the political orator who labors with other orators and with the press and with the pamphlet to secure results only at the end of a long campaign; or that of the reformer or agitator who, against hope of present success, looks to the result of a lifetime spent in a cause. From this arises one of the striking defects in the training of the advocate as a public orator. Truth and soundness of argument are apt to be sacrificed to mere plausibility. "Remember that your judges are to hear it but once," was the reply of the Greek rhetorician to the client who complained that the defense furnished him for use on his trial, and which had at first seemed so masterly, had grown,

as he studied and repeated it, to sound continually more weak and inconclusive. And in truth the forensic effort which is best calculated to secure the desired object, a favorable judgment, is not at all likely to be the one which will bear being put in writing and perused at leisure.

While the tendency to study the listener and address one's argument to his supposed state of mind, the leaning toward the *argumentum ad hominem*, is the basis of much of the efficiency of an advocate, it is also a source of his weakness. Its effect upon any but the man of generous sentiments and sympathetic imagination is to make him underestimate the force of the intelligence and the desire to do right existing in his hearers. Nothing is more fatal to an orator than the feeling that those whom he addresses are not to be moved by worthy emotions or are incapable of understanding sound argument.

Consider again that the lawyer is not bound to make his speech attractive under the penalty of empty benches which besets other public speakers. He alone can depend upon the compulsory process of government to furnish an audience. However tedious he may prove, he can, if able to secure a client, rely upon one sympathetic hearer at least, and the sheriff and jury commissioners will furnish the rest. Nor does he suffer the pangs of the man who having "hired a hall" discovers that:

"Though his voice completely filled the house,  
It also emptied it."

For the lawyer's hearers there is no way of escape. Even though we put jurymen to sleep—an autobiographical reminiscence—a kindly judge may sometimes request the sheriff to awaken them. Were flight open to them we would doubtless have many occasions to regret that our remarks were not more brief and pointed. As it is, the penalty for prosiness, though inevitable, is delayed; "weary lawyers with endless tongues" have become a by-word, and the temptation to slovenly and inartistic advocacy, in our off days, which we all have, is left to work its full measure of evil with our style.

If the lawyer's discipline has its dangers and defects, it has also some striking merits. By virtue of addressing most commonly, in the jury, an audience for whom he must translate into common speech the intricacies of a technical branch of learning, he is apt to be free from the grave defect of most specialists, arising from their inability to understand of how much of their learning

the hearer must be ignorant. At his best he is a master of the art of simplifying complicated propositions and nice distinctions. Sometimes he is liable to carry this habit over into his address to the court. "Counsel might assume that the court knows some law," said a snappish judge to the advocate who was proceeding at length to enforce assent to a proposition which was fundamental. But the answer was a fair retort: "I made that mistake, Your Honor, with the court below." Still more severe was the treatment of a similar offender by Lord Ellenborough. An eminent conveyancer, arguing a real property case, commenced his address: "An estate in fee simple is the highest estate known to the laws of England." "Stay, stay," exclaimed the Chief Justice, interrupting him, "let me write that down." He wrote and gravely read: "'An estate in fee simple is the highest estate known to the laws of England.' The court, sir, is indebted to you for the information." In truth, the more completely a speaker has made himself master of his subject the more difficult he may find it to get back into sympathy with the state of mind of even an intelligent man who has not given it special study. Just how much your hearer knows, how much he does not know, and where you are to start with him—how far carry him through the processes of thought by which you have reached your conclusion—is one of the nicest and most difficult things for the advocate to determine. It may be equally fatal to talk over the head of your audience, or under it, that is, if your sole desire is to convince or persuade. It is because this is most commonly the lawyer's sole desire that he is apt to be keenly alive to all the difficulties mentioned. Of other public speakers, so large a proportion are moved chiefly by desire to excite admiration of themselves that these maxims are not applicable to them. A considerable number of hearers will always admire your learning in inverse proportion to their ability to understand what you mean, and your rhetoric directly in proportion to its divergence from the ordinary forms of human speech.

The temptation before any speaker to attempt winning the personal admiration of his audience is very great, and is properly indulged where, as is frequently the case, this is the speaker's primary object. If he is concerned only for the advancement of the cause for which he professes to speak, he will, as a rule, detract from his success in this by any course which emphasizes his own personality or gifts. Wit and humor are most delight-

ful and welcome accomplishments. We warm at once to the orator who possesses them. But few public speakers have attained reputation as humorists without having cause to lament it. They have found that, though men listened to them with delight, the power to influence their convictions was lost. There is hardly a celebrated wit among the great orators who has not borne testimony to this fact. The exceptions are those who never cared whether they did more than to amuse.

The fate of the speaker who strives for applause is much the same. The sentences which evoke thunders of cheering from an audience are those which state, pointedly and rhetorically, the very things they already believed or felt. Platitudes are far more effective for this than wisdom. No man who is presented with a new thought or with a fresh view of an old subject will break out into handclapping over it. To even bright minds, a new idea is almost as dazing as a blow on the head. One who has received it needs time to collect his thoughts. Whenever a speaker succeeds in putting men to thinking he will be confronted by a silent and half-hostile audience. If he carries conviction it will not be by any instantaneous process. To change his hearers' way of belief, they must first have time to think it over. Shall we measure the effect of the majestic eloquence of Burke,

“Who, too deep for his audience, went on refining,

And thought of convincing while they thought of dining.”

by the fact that he was coughed down in the House? He was listened to with weariness, and Sheridan, with delight; but which left the greater mark on the political convictions of their time? In all this, however, we are straying into the domain of eloquence generally, rather than that of the forum.

The lawyer, consumed with the sole desire to carry some specific point with his hearer, though he never doubts that oratory is an art, soon ceases to regard it as a literary performance. Rhetoric, fine language, ornament, the flowers of speech, are cast to the winds. He *must* make himself understood. He *must* get his hearers to see the facts as he sees them and feel as he feels about them. He gets a contempt for literary form. “Writing or printing,” says Dr. Holmes, “is like shooting with a rifle; you may hit your reader's mind, or miss it; but talking is like playing at a mark with the pipe of an engine; if it is within reach and you have time enough you can't help hitting it.” That mark the advocate must hit at any expense. Prolivity, repetition, barbarisms, inele-

gancies of speech, are venial faults compared with a failure to put the listeners in full possession of his positions. And it is to be noted also that his audience is neither a cultivated nor a critical one in matters of literary form, though commonly a fairly acute one in its judgment of conduct and motive.

Then there is no one who is compelled to learn more fully than the lawyer does that peculiar weakness of human vanity which prides itself upon being superior to the arts of advocacy. Jurors are full of it and judges, though lawyers themselves, are by no means exempt. How it poisons the very sweets of success to have a judge decide in your favor, but upon a ground different from that upon which you rested your case; and how many judges are given to determining the issues upon a point which "counsel seem to have overlooked." But the jury—Beware, young man, of eloquence. Beware of saying anything bright. Distrust anything which you think may excite admiration of yourself. Rest assured that you have wrought your masterpiece of advocacy only when, in a suit you thought doubtful, the jury bring you in a wholly favorable verdict, and go away with the impression that, throughout your handling of the case, you have done nothing smart and said nothing bright, have proven yourself utterly commonplace, but have won just because you had a case that no fool could have lost.

A familiar anecdote of Scarlett, the great English advocate, is in point. A countryman who had been serving upon the jury and had rendered verdict after verdict for the side he represented, was asked what he thought of the lawyers engaged. "That lawyer Brougham," he said, "is a wonderful man; he can talk, he can; but I don't think anything of lawyer Scarlett."

"Why," said the other, "you have been giving him all the verdicts."

"Oh, there's nothing in that," was the reply. "He's so lucky—he's always been on the right side."

What infinite pains, what delicate tact, what nice perception is demanded of him who would convince the reason without appearing to argue; who would touch the passions while appearing to invoke the cold dictates of reason; who would melt others with the pathos of a situation without apparent consciousness of its pathetic significance; whose recital of wrongs can fire them with the indignation which he seems to deprecate—like the horseman described by Sheridan:

“While his off heel, insidiously, aside,  
Provokes the caper which he seems to chide.”

Listen, for an example, to the closing appeal of that prince of advocates, Curran, in the case of *Hevey v. Sirr*, an action for false imprisonment, significant of the state of liberty in Ireland during the political troubles of his time. Could the efforts of any orator who appeared to “turn himself loose” make the blood of an Irish jury boil as it would at this affected repression of sentiment and feeling through which is permitted to shine the white heat of volcanic indignation?

“In every point of view, therefore, I recommend you to find and to find liberally for the plaintiff. I have founded my advice upon the real circumstances of your situation; I have not endeavored to stimulate you into any silly hectic of fancied liberty. I do not call upon you to expose yourselves to the affectation of vindicating the cause of freedom and humanity; much less do I wish to exhibit ourselves to those whose property we are as indignant and contumacious under their authority. Far from it; they are unquestionably the proprietors of us; they are entitled of right to drive us and to work us; but we may be permitted modestly to suggest that, for their own sakes and for their own interest, a line of moderation may be drawn. There are excesses of infliction that human nature cannot bear. With respect to her western negroes, Great Britain has had the wisdom and humanity to feel the justice of this observation, and in some degree to act upon it; and I have too high an opinion of that great and philosophical nation not to hope that she might think us not undeserving of equal mildness; provided it did not interfere with her just authority over us. It would, I should even think, be for her credit, that, having the honor of so illustrious a rider, we should be kept in some sort of condition somewhat bordering upon spirit, which cannot be maintained if she suffers us to be utterly broken down by the malicious wantonness of her grooms and jockeys.”

In the days when the writer, then a growing lad, began to dream of the law as a career and to hang around the courts, a controversy between two great railway companies brought to his village, among the counsel whose faces were familiar there, a genial looking, bald-headed stranger, of whom rumor spoke as a “rattling good lawyer,” who quickly got acquainted with everybody, and to whom everyone who liked a good story or a witticism gravitated during any recess of the court. He disposed of the great case in

which he appeared, for the time, at least, in a speech upon a demurrer, of five or ten minutes' length, which seemed to be merely a pleasant colloquy between himself and the judge, in the style of two neighbors talking about a business affair across the table. His name was not then, as in a few years it came to be, upon everyone's tongue; and the youth certainly had not the faintest suspicion at the time that in hearing Robert G. Ingersoll at the bar he had been listening to one of the foremost of living American orators.

It is just at this point that many lawyers at the present day are likely to make a mistake. In their disgust at flamboyant rhetoric and vociferous elocution they imagine that advocacy is not an art at all. It should be all beautiful simplicity and trust to nature. They see the greatest advocates winning their causes by a style of address so simple, so natural, so smooth in manner that it looks easy. But it is the height of art to conceal art. No matter how easy it looks, be assured that no one ever mastered such a style except at the expense of infinite pains and study and anxiety about his manner of speaking. The "natural born orator" bellows and paws the air and tears his shirt—rends his apparel, he would prefer to say. The cultivated speaker will suggest that two and two make four, and you feel that his treatment of the proposition is adequate. The "natural born orator" must declaim: "Now, Your Honor, and gentlemen of the jury, I venture the assertion, that the sum of two and two always is, and must be, neither more nor less than four. Will this be controverted by my opponent? I pause for a reply."

It is well for us, however, not to be hypocritical about the sort of oratory that the masses admire and we do not. The insisting at great length and in exuberant rhetoric that two and two make four, is distressing to the judicious, but is one of the most efficacious of the mere tricks of advocacy—especially where there is no reply to the speaker. An ingenious misstatement of an adversary's position is never so effective as when followed by a detailed, declamatory and passionate refutation of the things that no one ever asserted, and insistence, backed by elaborate argument, example and illustration, upon propositions that no one dreams of refuting. The uncritical hearer will be slow to believe that all this storm of verbosity could have arisen unless some malignant opponent had declared that two and two made fifteen. Some minds are so constituted as to admire most an argument

which is absolutely unanswerable. But there are few questions which are not debatable and most arguments which have this appearance of finality will be found to have begged the question.

All this does not in the least imply that oratory is a matter of art and training simply. The finest cultivation cannot serve to make long tolerable the speech of one who has nothing to say; and for the qualities which grace and adorn the weightier matters of discourse, and give them the power to move the hearer, for the pathos and sentiment, the touch of the imagination, the wit and humor, the perception of those delicate boundaries between the sublime and the ridiculous which only the saving grace of a sense of humor can confer—these things must for the most part be numbered among the gifts of nature. Even as to the weightier matters of reasoning, it remains largely true that:

“All the rhetorician’s rules  
Teach nothing but to name his tools.”

Such a statement will doubtless awaken protest from the whole tribe of scholasticism which parades under the banner of “Modern Scientific Method”; for the cardinal principle of their faith is that it is flatly impossible for a being not trained in their system to draw, except by accident, a correct inference from facts. Certainly the “scientific method” which, since the days of Bacon, has steadily gone on from one glory to another till it seems to overshadow the whole intellectual heavens, has taught its followers to avoid some flagrant errors of induction once common. But its triumphs have been won less from any improvement in our powers of reasoning than from patient and systematic accumulation of the facts from which our inductions are to be drawn.

On the other hand, there are philosophers who maintain, and with a great degree of plausibility, that cultivation, even in the methods of logic, has added little to the powers of the human mind. That men of ancient times reasoned, and illiterate men of the present day continue to do so, as vigorously and accurately as the most learned moderns—if reasoning from the same premises; and some assert the paradox that training in formal logic and in the mathematics may even weaken one’s power to reach sound conclusions in matters when only probability or moral certainty can be hoped for.

Of all men who make a profession of persuasion by reason, the lawyer comes closest to and observes with most intense interest

the intellectual processes of the ordinary citizen. Of course there are lawyers, as there are men in every calling, who cannot reason and would not recognize an inference if they met it in the road. There is, as before remarked, some tendency in the circumstances under which the lawyer speaks to lead him to place too high a value on mere plausibility. But the stronger advocate a lawyer is, the more likely is it that he will have a wholesome respect for the reasoning powers of the average jurymen. The arguments which he has himself recognized as the best and soundest he has generally found to be the most convincing.

Having dwelt upon the disadvantages under which the advocate labors it is to be remarked that he possesses one great advantage over most orators in that he is very much in earnest and able to speak usually the thing which he believes and in the tone of sincere conviction. This sounds like a paradox and may make members of the other professions smile. Every other orator professes to speak his own sentiments and to utter them out of his conviction that, in the interest of the world, they ought to be heard. The advocate alone is a free lance, an avowed mercenary, a confessed hireling, whose tongue is, with some reservations for the sake of decency, for sale in the open market. How can he appear to speak with any honest indignation? Must not his fire and feeling be as purely artificial as that of the actor who mouths fictitious sentiments before a scene of painted canvas?

This is a mistaken view. Lawyers generally believe, often passionately, in the positions which they maintain in court. Those who doubt this fail to make sufficient allowance for the power of the human mind to persuade itself of the justness of its conclusions, if it does not too long and seriously examine into their soundness. When the subject on which one speaks is a new one each day, there is not only some degree of freshness involved in the very change, but the speaker cannot devote time enough to any problem to get out of love with his convictions, and permit them to grow stale. Convictions are most fascinating when first captured, and are then held with the greatest intensity. It is a curious fact in the barrister's experience that he seldom finds himself trying a case the second or third time quite as well as he did the first.

Deliberation makes us begin to doubt everything. The politician has, in early life, adopted, or perhaps inherited, a set of party principles; the theologian has come, in the same way, into pos-

session of a creed. The reasoning by which their conclusions were supported looked at first beautiful and irrefutable. But the foundations of belief in any of our cherished intellectual possessions are found, when we come to examine into them too long and curiously, unexpectedly insubstantial. What looked like the everlasting granite of demonstration seems now mere vapory conjecture. We are commonly cocksure only of those things to which we never gave any profound study.

But statesman, theologian, and nearly everybody but lawyers find their powers of advocacy harnessed each into the service of some special set of views which practically they must drag on for life. Once they may have believed in them intensely; they probably still believe in them, in a way. But sooner or later they must begin to suspect that nothing is certain in this world or about it—not even its objective existence; and then, of course, the advocacy of party or of creed or of cause must lack conviction and be compelled to simulate it. It is a melancholy thing to see how all of us who took things seriously and tried to hold and stand for convictions, find ourselves, in later life, entangled in the claims of various causes and organizations to which we profess a loyalty which has grown lukewarm and full of misgivings. We go on shouting empty catch words and battling for meaningless flags—things which have lost their significance as symbols of vital belief. Let us venture to hope that they never lose all significance; when they have wholly done so the man is dead. But to the mature and thoughtful mind they come to stand for something so different from current conceptions that a sincere utterance of one's belief may seem, not support of his cause, but hostility to it.

Fortunate, then, is the lot of the advocate, who lacks time to become disenchanted with his theme. Though he appears as the mere hired retainer, he generally believes sincerely in his points if not in his cause. The laity do not understand this, and are prone to regard him as a mere actor, simulating passionate conviction, at the very time when he most believes what he says.

If the qualifications for making a great orator sound discouraging or prohibitive, the aspirant to the honors of the forum, at any rate, may comfort himself with the thought that very likely he is better off without such accomplishment. The great speech demands a great theme and a great occasion, and these come rarely. Most of the affairs of life, even those which require public discussion, are comparatively trivial or prosaic or sordid. The

grand manner is appropriate only to occasions which will present themselves but few times in a man's life. One's style of speech, and he can usually have but one, will best be after the fashion demanded by nine hundred and ninety of the thousand occasions on which he may be called to employ it. The easy, unimpassioned colloquial flow is not so inappropriate to great themes as is the "small pot soon hot" eloquence which Emerson deprecates, the hissing indignation and flaming wrath, so often applied to issues of no greater dignity than the title to a bull-calf or the boundary line between contiguous farms.

A fatal facility of speech is one of the most dangerous qualifications with which the young advocate can be endowed. It discourages hard effort and tends to shallow prolixity. The number of great orators who have attained their triumphs over apparently insuperable obstacles of stammering elocution, stage fright and ignominious early failure may furnish not only encouragement to the determined but derided youth, but warning to the self-confident and ready one. Stuttering Jack Curran is the world's standard example. The great thing after all is to have something to say—some resources of reason and feeling and imagination without which mere words become as exasperating to the hearer as the clatter of a loose shutter in the wind. And ready speech is not likely to be a native characteristic of the thoughtful mind. There is sense as well as wit in the observation of Dean Swift: "The common fluency of speech in many men, and most women, is owing to a scarcity of matter and a scarcity of words; for whoever is a master of language and has a mind full of ideas will be apt in speaking to hesitate upon the choice of both; whereas common speakers have only one set of ideas, and one set of words to clothe them in, and these are ready at the mouth; so people come faster out of a church when it is almost empty than when a crowd is at the door."

Another word of warning may be suggested to the would-be advocate. I have heard General Robert E. Lee credited with the saying that a commander of troops should be a man who naturally loves a fight. Otherwise his shrinking from the horror of it will certainly lead him to avoid action at times when his judgment ought to tell him to seek it. The proportion of lawyers who have found the trial of litigated cases, with their uncertainties and the sharp collisions of interest and feeling which they involve, distressingly painful is greater than is generally supposed. If you

are of this temperament avoid the profession by all means. Some have overcome it by practice. Upon some it remains, and becomes a growing horror. If you don't love a fight, you will be very apt not to love the law. The shrinking from entering upon trial, the dread of its responsibilities, the apprehension for its results have been, with many practitioners, sufficient to render their calling positively distasteful and odious; and among the number of these might be counted many whose bearing in the court room and whose success as advocates were such that none would suspect their inward reluctance at entering on its controversies.

But after all there is more or less of this in every calling. Society is organized upon the basis of warfare. Once it was military; now it has grown to be largely economic. It is our business in life to prey upon and to struggle with one another. Some philosophers would have us believe that it is only through this struggle for existence that we have risen to be what we are, and that without it we must retrograde. The first half of the proposition we may accept without necessarily agreeing with the second. Warfare has been, through much of the past, our natural state—even the natural state of all animate creation. "The may-fly is torn by the swallow; the sparrow is speared by the shrike; and the whole little wood where I sit is a world of plunder and prey." But at least we may trust that this is not to be forever. The fact that all that is highest and best in us revolts against our conditions should help us to this hope. If the state of our social organization is such that the best and noblest man we can produce, the gentleman, the scholar and the Christian, finds himself by the possession of these high qualities unadapted to the practical uses of the world and needing some fibre of coarser grain in his structure to make him fit for them, then the social organization needs to be made over and rendered a proper medium for the cultivated Christian gentleman to live in.

We find a great many admirable things in the lawyer. It is difficult to see how the world can get along without him at present. But the world has always felt that things will never be quite right till he has been got rid of. All the ideal commonwealths of the philosophers, so far as I remember, have dispensed with him. May he not, himself, be permitted to join in the expectation of a good time coming when his calling shall have become superfluous? Indeed, he will perhaps feel more keenly than any one what a happy time that would be.

How may one know, at the outset, that he has in him the making of an advocate? He can not know; and he can still less depend on the judgment of his friends than upon his own. It is the way of all art. There is no guaranty conveyed by one's inward conviction, however burning it may be. Are not the schools and the studios filled with painters determined against every discouragement that they will succeed, and doomed forever to produce only atrocities which never reach the walls of the exhibitions, much less the collections of purchasers? Are not the futile poets who beset the magazines with lines of undeniable scansion and rhythms of unimpeachable correctness, but lacking only "the light that never was on sea or land," the jest or terror of the sanctum?

It is one of the compensations of the lawyer's lot, that in adopting his profession he has not staked his whole life on the conviction that he is a man of genius. He who chooses the paths of literature or of art confesses by the act that his choice is dictated by the inward conviction that there is something in him; for failure here means lamentable disappointment. Neither dealers nor exhibitors nor collectors afford comfort for the fairly good artist. Neither gods nor men nor booksellers tolerate the "tolerable" poet. And though, just now, the intolerable novelist seems to mount to the hundredth edition, we may hope that the frenzy is the brief fashion of a stage of half education which we shall possibly outgrow—a phase of the printing business incident to the evolution of a vast public who have been taught to read and discouraged from thinking.

But there will always be a steady though limited demand for tolerably good lawyers and advocates, and their lot in life need not be an unhappy or disappointed one.

Though he have no touch of the genius without which no man ever becomes a great orator, there is scope for moderately high ambition in the rewards which await the good and forcible advocate. And a fair degree of attainment in this line is within the reach of any person of ordinary good sense who will diligently and modestly study and practice the art. It is not easy; but any one of reasonable intelligence who will set himself to the task with determination can acquire the power to speak smoothly, clearly and with some degree of effectiveness.

There is nothing which rewards the labor bestowed on it with more satisfactory results, for when done successfully it is the most fascinating thing in the doing that life's experience can furnish

you. To watch the faces of one's hearers and catch in their countenances the response of the mind to the things you are saying—to feel that you are master of your subject and are followed with close attention and appreciative sympathy by those to whom you are striving to convey that mastery, is one of the triumphs of the intellect. But, on the other hand, a sensitive speaker is equally sensitive to his failure and to his success, and must often endure the mortification of feeling that he is talking weakly and vaguely and is being followed with neither sympathy nor understanding. And here lies one of life's compensations, for after all the fools and dullards are the happiest of men. No one, probably, gets more satisfaction out of his own oratory than the stupid man who can prose on interminably without the faintest perception that he is boring his audience—nay, in the blessed and child-like consciousness that he is enlightening and delighting them. Study, then, diligently the art of oratory. Its rewards, in inward satisfaction, will be great if you succeed.

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