

*Scraps from the Note-Book
of a Missouri Lawyer*

There is no calling in life which affords to the observer so keen an insight into the human heart as that of the law. A man may, with a tolerable degree of ingenuity, succeed for a long time in concealing his true character—at least its shadows and minute vanities—from the world at large; indeed often from his most intimate friends. But he must be an adept in deception if he can deceive the keen sagacity of an able and experienced lawyer. When involved in a doubtful law suit, it is so absolutely necessary for the client to unbosom himself to his attorney that few can conceal from him their true motives and designs.

Some reason must be given by the client for his conduct, and a false reason is often a certain index to the true one. His virtues and his vices are often discovered without his being in the least aware of the disclosure he has involuntarily made. His private griefs—the personal piques—the ill-concealed passion, that the attorney is compelled to listen to, to soften, to moderate—the exaggerated statements, for which he must make all due allowances—the reluctant truth which he must draw forth to enable him to make a successful defence, all contribute to give him that knowledge of human character so essential to eminent success in this profession.

In the West where nearly all depends upon the verdict of the jury—who here have a discretion unknown in most of the older states—a knowledge of the character of the people is of the highest importance to the lawyer.

I never was so struck with this as in one of the earliest cases in which I was retained. My senior and associate counsel in this case was a wild, frolicsome fellow, but a man of great quickness and sagacity, and who ‘knew the people well.’ He had been some ten years at the bar in this State, and was considered a ‘a good hand to manage a jury.’ The case was called and the jury sworn, when my associate P----- came into the court in rather a ‘mellow condition.’ He seemed to pay but little attention to the evidence, and indeed had been retained in the case only a few hours before it was called for trial. I examined the witnesses. —P----- said that he would precede me in addressing the Jury as he felt ‘quite unwell,’ and wanted to leave the court house as soon as possible. He had some difficulty in balancing himself on his legs. Soon, however, he broke out into a most violent philippic against our client, stigmatizing him as a mean, hard hearted creature who would take the last cent from his poor debtor without the least mercy, &c. I, as well as our client—whose rage and disappointment may well be imagined—endeavored to stop him, but for some time without success. Finally, however, I succeeded in gaining his ear, and informing him of the mistake he had made.

Without the least change of countenance, and with all the coolness and composure his condition would admit of, he addressed the jury as follows:

“Gentlemen of the jury, I have just been informed by my associate that I have made a small mistake; upon reflection I find that I am counsel for the plaintiff and not for the defendant, as I supposed. Indeed, gentlemen, you must have discovered from the violent manner in which I assailed the plaintiff, that it was an uphill business with me. I found that the plaintiff had made out his case beyond the shadow of a doubt, and supposing myself to be on the other side, I

commenced in a fit of desperation—knowing that there were no merits in the defence—abusing my true client, the plaintiff, who, gentlemen, you all know to be an honorable and upright man, notwithstanding the lampooning I gave him by mistake.”

He then examined the evidence with considerable ability, demonstrating the clear case made out by the plaintiff. —We obtained a verdict for the full amount of our claim.

In conversation with P----- on the subject of our suit, I expressed my surprise at the mistake he had made, and my astonishment at his cool assurance after his discovery of the mistake. ‘My dear fellow,’ said P-----, ‘you don’t yet understand the boys out here. Above all things they admire boldness and frankness. Just be open and frank with them and you can manage them as you please. If I had suffered myself to become confused, and had stammered and hesitated, and then taken my seat—as many would have done in my predicament—we should have lost our case. But by putting a bold front on the matter, and telling the truth at once, we saved our case. The mistake occurred in this way—I had taken a glass too much, as you know I will do occasionally, when our client retained me in his case. A few moments afterwards, the defendant, not knowing that I had been retained on the other side, also spoke to me, wishing to retain me on his side. I, of course, told him I was engaged on the other side. Shortly afterwards I went into the court house, not being exactly myself. I really thought we were on the side of the defendant, until Tom told me of my mistake, when the whole truth flashed upon me like lightning. I knew there was but one course to take.’

‘Well,’ I asked, ‘but how did Tom get along with our client whom you abused so terribly?’

‘Why, my dear fellow,’ replied P-----, ‘he was so well pleased with gaining his case that he forgot all about the abuse I showered upon him. He swore that I was a much keener fellow than he before thought I was, and made me promise, before we parted, never to take a fee against him—always to consider myself retained on his side.’

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