

The Volunteer Counsel

A Tale of Texas

The subject of the following sketch, John Taylor, was licensed when a youth of twenty-one, to practice at the bar of Philadelphia. He was poor, but well educated, and possessed extraordinary genius. The graces of his person, combined with the superiority of his intellect, enabled him to win the hand of a fashionable beauty. Twelve months later, her husband was employed by a wealthy firm of the city to go on a mission as land agent to the west.

As a heavy salary was offered, Taylor bade farewell to his wife and infant son. He wrote back every week, but received not a line in answer. Six months elapsed when the husband received a letter from his employer which explained all: Shortly after his departure for the west, the wife and her father moved to Mississippi. There she immediately obtained a divorce by an act of the Legislature, married again forthwith, and, to complete the climax of cruelty and wrong, had the name of Taylor's son changed to Mark—that of her second matrimonial partner. This perfidy nearly drove Taylor insane. His career, from that period, became eccentric in the last degree; sometimes he preached, sometimes he plead at the bar until, at last, a fever carried him off at a comparatively early age.

At an early hour, the 6th of April, 1840, the court house in Clarksville, Texas, was crowded to overflowing. — Save in the war times past, there had never been witnessed such a gathering in Red River county, while the strong feeling apparent on every flushed face throughout the assembly, betokened some great occasion. A concise narrative of the facts will sufficiently explain the matter.

About the close of 1839, George Hopkins, one of the wealthiest planters and most influential men of Northern Texas, offered a gross insult to Mary Ellison, the young and beautiful wife of the chief overseer. The husband threatened to chastise him for the outrage, whereupon Hopkins loaded his gun, went to Ellison's house and shot him in his own door. — The murderer was arrested, and failed to answer the charge. The occasion produced intense excitement, and Hopkins, in order to turn the tide of popular opinion, or at least to mitigate the general wrath, which at first was violent against him, circulated reports infamously prejudicial to the woman, who had already suffered such cruel wrong at his hands. She brought her suit for slander. And thus two cases—one criminal and the other civil—and both out of the same tragedy, were pending in the April Circuit Court for 1840.

The interest naturally felt by the community as to the issue, became far deeper when it was known that Ashley and Pike of Arkansas, and the celebrated S.S. Prentiss, of New Orleans, each with enormous fees, were retained by Hopkins for his defense.

The trial on the indictment for murder ended on the 8th of April, with the acquittal of Hopkins. Such results might have been foreseen by comparing the talents of the counsel engaged on either side. The Texas lawyers were utterly overwhelmed by the arguments and eloquence of their opponents. It was a fight of dwarfs against giants.

The slander suit was set for the 9th, and the throng of spectators grew in number as well as excitement, and what may seem strange the current of public sentiment now ran decidedly for Hopkins. His money had procured perjured witnesses, who served his powerful advocate most efficiently. Indeed so triumphant had been his success of the previous day, that when the slander case was called, Mary Ellison was left without an attorney—they had all withdrawn. The pigmy pettifoggers dare not brave again the sharp wit of Pike, and the scathing thunder of Prentiss.

“Have you no counsel?” inquired Judge Mills, looking kindly at the plaintiff.

“No, sir; they have all deserted me, and I am too poor to employ any more,” replied the beautiful Mary bursting into tears.

“In such a case, will not some chivalrous member of the profession volunteer?” asked the Judge glancing around the bar.

The thirty lawyers were as silent as death.

Judge Mills repeated the question.

“I will, your honor,” said a voice from the thickest part of the crowd, situated behind the bar.

At the tones of that voice many started half way from their seats; and perhaps there was not a heart in the immense throng, which did not beat somewhat quicker—it was so unearthly, sweet, clear, ringing and mournful.

The first sensation, however, was changed into general laughter, when a tall, gaunt, spectral figure, that no one present ever remembered to have seen before, elbowed through the crowd, and placed himself within the bar. His appearance was a problem to puzzle the sphinx himself. His high, pale brow, and small, nervous twitching face seemed alive with the concentrated essence and cream of genius; but his infantile blue eyes, hardly visible beneath their massive arches, looked dim, dreary, almost unconscious, and his clothing so exceedingly shabby, that the court hesitated to let the case proceed under his management.

“Has your name been entered on the rolls of the state?” demanded the judge, suspiciously.

“It is immaterial about my name appearing on the rolls,” answered the stranger, his thin, bloodless lips curling up with a fiendish smile.

“I may be allowed to appear once, by the courtesy of the court and bar. Here is my license from the highest tribunal in America,” and he handed Judge Mills a broad parchment. The trial immediately went on.

In the examination of witnesses the stranger evinced but little ingenuity, as it was commonly thought. He suffered each one to tell his own story without interruption, though he contrived to make each one tell it over two or three times. He put a few cross questions, which with keen witnesses, only serve to correct mistakes; and he made no notes, which, in mighty memories always tends to embarrass.

The examination being ended, as the counsel for plaintiff he had a right to the opening speech, as well as the close; but to the astonishment of every one, he declined the former, and allowed the defense to lead off. Then a shadow might have been observed to flit across the fine bright eyes of Prentiss. They saw that they had “caught a Tartar,” but who it was or how it happened, it was impossible to guess.

Col. Ashley spoke first. He dealt the jury a dose of that close, dry logic, which years afterwards rendered him famous in the Senate of the Union.

The poet, Albert Pike, followed with a rich train of wit, and a hail torrent of caustic ridicule, in which you may be sure neither the plaintiff nor her ragged attorney were either forgotten or left alone.

The great Prentiss concluded for the defendant, with a glow of gorgeous words, brilliant as a shower of falling stars, and with a final burst of oratory that brought down the house in cheers, in which the sworn jury themselves joined, notwithstanding the “Order! Order!” of the bench. Thus wonderfully susceptible are the Southwestern people to the charms of impassioned eloquence.

It was then the stranger’s turn. He had remained apparently abstracted during all the previous speeches. Still, and straight, and motionless in his seat, and but for that eternal twitch that came and went on his sallow cheek, appearing like a mere man of marble. Even his dim-dreamy eyes, were invisible beneath those gray, shaggy eyebrows.

But at last he rises—before the bar-railing, not behind it—and so near to the wondering jury that he might touch the foreman with his long bony finger. With his eyes half shut, and standing rigid as a pillar of iron, his thin lips curl as if measureless scorn, slightly apart, and the voice comes forth. At first it is low and sweet, insinuating itself through the brain, as an artless tune, winding its way into the deepest heart like the melody of an incantation; while the speaker proceeds without a gesture or the least sign of excitement to tear to pieces the argument of Ashley, which melts away at his touch as the frost before the sunbeam. Every one looked surprised. His logic was at once as brief and so luminously clear, that the rudest peasant could comprehend it, without effort.

Anon he came to the dazzling wit of the poet-lawyer, Pike. Then the curl of his lip grew sharper, his shallow face kindled up, and his eyes began to open, dim and dreamy no longer, but vivid as lightning, red as fire globes, and glaring like twin meteors. The whole soul was in the eye—the full heart streamed out on the face. In five minutes Pike’s wit seemed the foam of folly, and his finest satire horrible profanity, when contrasted with the inimitable sallies and exterminating sarcasms of the stranger, interspersed with jest and anecdote that filled the forum with roars of laughter.

Then without so much as bestowing an allusion on Prentiss, he turned short on the perjured witnesses of Hopkins, tore their testimony to atoms, and hurled into their faces such terrible invective, that all trembled as with an ague, and two of them actually fled dismayed from the Court House.

The excitement of the crowd was becoming tremendous. Their united life and soul appeared to hang on the burning tongue of the stranger. He inspired them with the powers of his own

passion. He saturated them with the poison of his own malicious feelings. He seemed to have stolen nature's long hidden secret attention. He was the sun of the sea of all thought and emotion, which rose and fell and boiled in billows, as he chose. —But his greatest triumph was to come.

His eyes began to glare furtively at the assassin, Hopkins, as his dear taper finger slowly assumed the same direction. He hemmed the wretch around with a circumvallation of strong evidence and impregnable argument, cutting off all hopes of escape. He dug beneath the murderer's and slanderer's feet ditches of dilemmas, such as no sophistry could overlap, and no stretch of ingenuity evade, and stripped himself to the work of massacre.

Oh! Then it was a vision both glorious and dreadful to behold the orator. His action before as graceful as the wave of a golden willow in the breeze, grew as impetuous as the motion of an oak in a hurricane. His voice became a trumpet filled with whirlwinds, deafening the ear with crashes of powder, and yet intermingled all the while with a sweet under-song of the softest cadence. He drew a picture of murder in such appalling colors, that, in comparison, hell itself might be considered beautiful. He painted the slanderer so black, that the sun seemed dark at noon-day, when shining on such an accursed monster; and then fixed both portraits on the same burning brow of Hopkins, and nailed them there forever.

The agitation of the audience nearly amounted to madness.

All at once the speaker descended from his perilous height. His voice wailed out for the murdered dead, and described the sorrows, of the widowed living, the beautiful Mary, more beautiful every moment, as her tears flowed faster—till men wept and lovely women sobbed.

He closed by a strange exhortation to the jury, and through them to the bystanders. He entreated the panel, after they should bring in their verdict for the plaintiff, not to offer violence to the defendant, however richly he might deserve it; in other words, not to lynch the villain, Hopkins, but leave his punishment to God. This was the most artful trick of all, and the best calculated to insure vengeance.

The jury returned a verdict of fifty thousand dollars; and the night afterwards Hopkins was taken out of his bed by lynchers, and beaten almost to death.

As the Court adjourned, the stranger made known his name, and called the attention of the people with the announcement— “John Taylor will preach here at early candle light.”

The crowd all turned out, and Taylor's sermon equaled, if it did not surpass, the splendor of his forensic efforts. This is no exaggeration. I have listened to Clay Webster and Calhoun—Dewey, Tyng and Bascom; but have never heard anything in the form of the sublime words even remotely approximating to the eloquence of John Taylor—massive as a mountain, and wildly rushing as a cataract of fire. And this is the opinion of all who heard the marvelous man.

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