

LIFE SKETCHES <sup>07</sup>

OF

# EMINENT LAWYERS,

AMERICAN, ENGLISH AND CANADIAN,

TO WHICH IS ADDED

THOUGHTS, FACTS AND FACETIÆ.

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IN TWO VOLUMES.

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BY

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## WILLIAM MAXWELL EVARTS, NEW YORK.

(1818- —.)

“The Prince of the American bar.” Born at Boston, February 6, 1818. Entered Yale, a freshman, at fifteen, and graduated at nineteen, with Samuel J. Tilden, Chief Justice Waite, Attorney General Pierrepont, Professor Lyman, Benjamin Silliman and others, for classmates. Took a law course at Harvard, and read with Daniel Lord in New York city, where he began practice in 1841. Business quickly came upon him, but like Rufus Choate, he read some law daily throughout his active life. After eight years at the bar he was made Assistant United States Attorney in the city, holding the position four years; made Attorney General under President Johnson; Secretary of State under President Hayes; United States Senator for New York, 1885 to 1891. He has been counsel in the three greatest cases in this country during his career,—the Johnson Impeachment, the Geneva Arbitration, and the Hayes-Tilden contest. He was also counsel in the Lemmon slave case; the Parrish will case; the will of Mrs.

Gardner, the mother of President Tyler's widow; senior counsel for Mr. Beecher in the Beecher-Tilton six-months' trial, occupying eight days in his closing speech; for the prosecution in the "Savannah Privateers," being opposed by James T. Brady; and in many other important causes. Received a \$50,000 fee for an opinion upon the Berdell mortgage against the Boston, Hartford and Erie Railway.

Mr. Evarts is not only a great lawyer, but distinguished as a statesman, orator and after-dinner speaker. He has high scholarship and fine literary taste, as has been displayed in numerous orations, and addresses. He is pre-eminently practical, philosophical, shrewd and far-seeing, with an overmastering command of legal lore. Said the Albany Law Journal during the Beecher-Tilton trial: "In humor, in adroitness, in judgment, in patience, in self-mastery, and in a knowledge of law in its highest and broadest sense, Mr. Evarts, in our opinion, is facile princeps. He is five feet seven, thin and slender, with a face like parchment. Some one has said: "He is all head, nose, voice and forefinger."

## A Trial in a Court of Justice.

“A trial in a court of justice is a trial of many things besides the prisoners at the bar. It is a trial of the strength of the laws, of the power of the Government, of the duty of the citizen, of the fidelity to conscience, and the intelligence of the jury. It is a trial of those great principles of faith, of duty, of law, of civil society, that distinguish the condition of civilization from that of barbarism. I know no better instance of the distinction between a civilized, instructed Christian people, and a rude and barbarous nation, than that which is shown in the assertions of right, where might and violence, and the rage of passion in physical contest, determine everything; and this last, sober, discreet, patient, intelligent, authorized, faithful, scrupulous, conscientious investigation, under the lights of all that intelligence with which God has favored any of us; under that instruction which belongs to the learned and accredited expounders of the law of an established free government; under the aid of, and yet not misled by, the genius of eloquence of advocates on either side.”—  
Opening of speech in prosecution of the case of the “Savannah Privateers” indicted for piracy, tried in N. Y., Oct. 1861.

## Marshall and Webster.

“If I were to name two men whose services were incomparably above that of all others in making this new experiment of free government of paper consti-

tutions a living power to a great and strenuous nation—two that could not have been spared, though all others remained—I should say that to the great Chief Justice Marshall, and to the great forensic, popular, parliamentary defender and expounder of the Constitution, Daniel Webster, we most owe what we now enjoy.”—Address of Wm. M. Evarts at the unveiling of the statue of Daniel Webster in Central Park, Nov. 25th, 1876.

#### Ambition.

“I do not know that one should question ambition, for it is the public passion by which great public talents are made useful to people.”—*Idem*.

#### Webster as a Lawyer.

“I am quite sure that there is not in the general judgment of the profession, nor in the conforming opinion of his countrymen, any lawyer that in the magnitude of his causes, in the greatness of his public character, in the immensity of his influence upon the fortunes of the country, or in the authority which his manner of forensic eloquence produced in courts and over courts, can be placed in the same rank with Mr. Webster.”—*Idem*.

#### The Stuffed Sage.

“Before supper you beheld a goose stuffed with sage; now you see a sage stuffed with goose,” said Evarts in a toast, referring to a distinguished guest, after eating a stuffed goose.

## Inconsistency.

“Hancock’s declaring in favor of a full, free ballot, and a fair count, is about as consistent as the husband’s killing his wife with the motto, ‘God bless our home,’ ” said Evarts in a speech in the campaign of 1880.

## Student Who Couldn’t Pass Examination.

“In speaking of the Democratic party in the same campaign, Mr. Evarts said: “It is like the teacher who could not pass examination down in Texas, and after his erasures, was allowed to try it over again, and failed a second time. He was asked why he did not pass, and replied, ‘How could I? They asked me the same questions.’ He had better have answered like the student at college, who had been badly plucked in examination, and was asked how he fared. ‘Fared,’ said he, ‘I didn’t pass at all, and yet I answered every question correctly; and they asked me a great many questions.’ ‘How could that be,’ asked his friends, ‘Why,’ he replied, ‘to every question they asked me, I replied that I didn’t know.’ ”

## ‘We Are the Clay—You Are the Potter.

“Mr. W. M. Evarts, who has just been celebrating his golden wedding, is a man of wit not too often used for telling effect. He flashes his steel to good purpose now and then. The story is said, that once at a dinner of the New York Potters, a sort of family reunion, he as their counsel had been asked to dine with

them all. There was a bishop, and there was a doctor of divinity, and there were other distinguished scions of the family tree present, and the after-dinner speeches had all been—very natural for such an occasion—on the fame and success of one another. The history of the Potters since they first came to this country, was told in all its glorious details. Then Mr. Evarts was asked to make a speech, and they say he said that he felt he really must be excused. In this reverend presence, however, he might be pardoned for uttering a paraphrase of Scripture which had come into his mind during the speeches of the rest—‘Lord, Lord, thou art the clay, and we are the Potters!’—*Boston Transcript*, September, 1893.

#### Affidavits not Facts.

“Letters of acceptance of a candidate for the Presidency are not exactly transactions or acts of Congress. When Admiral Coffin, who lived at Cape Cod, as a child, had by his adherence to the British crown risen to the great rank of Admiral in the navy, he came over to visit this country. He came over in about 1830 to see his native land. On the way over he told his officers that at Cape Cod they would see lobsters that would weigh twenty-five pounds. The rules would not permit the officers to contradict the Admiral, but they distrusted the statement. He said, ‘If you doubt it, I will make you a bet.’ It was made. On arriving and making a thorough hunt, no such lobsters were, of course, found. ‘Well,’ said he,

‘they don’t happen to be here just now, but I will get the affidavits of the fishermen to show there are such lobsters.’ A pile of affidavits was brought in, and it was left to an umpire to decide the bet, and he decided that affidavits were not lobsters.”—Said by Evarts in a campaign speech, 1880.

#### Republican Blacks—Democratic Whites.

“The Republican blacks pick all the cotton of the Democratic whites, and the Democratic whites pick all the votes of the Republican blacks.”—In speech in Brooklyn, N. Y., Oct. 20, 1880.

#### Blaine’s Tribute.

“It has been my duty and my pleasure in these long years to follow you; to learn from you wisdom in public affairs, and to join with my countrymen in ascribing to you not merely the great merit of leadership in the noblest of professions, but to yield our admiration for the singular success which has given to you the opportunity to lead in the three most important cases ever pleaded by a member of the American bar. First, in resisting your own party in what you regarded the impolicy, if not the madness, of impeaching a President; second, in maintaining before the greatest international tribunal that has assembled in modern times the rights of your country, and obtaining redress for wrongs to her that grew out of the Civil War; and third, averting another civil war by pleading before an Electoral Commission for a



peaceful settlement of the angriest political controversy that ever arose between parties in the United States."—At the Delmonico Dinner, New York, October 30, 1880.

### Donkey Lonely Without Him.

Said Evarts: "For the amusement of my little daughter, I sent a donkey to my country home in Vermont. It was not much larger than a sheep. The child had never heard, until a day or two after the arrival of the animal, the lamentable voice of the creature. Struck by the sadness of its tone, she wrote in great haste for me to return immediately, stating as a reason that the donkey was so lonely without me."

### Pen Picture.

He was recently described by a reporter, as follows: "In that pale, and almost emaciated face, that fragile enwarpment of body, which seems shaken by the earnestness of its own talk, is packed that library of knowledge, and that fiery concentration of eloquent speech, which, collectively, make up the product of humanity called William M. Evarts. He looks like a man whom his soul had burned up with its own intensity till all that was inflammable was exhaled, leaving a thin body and a face lit up with great, weird, far-seeing eyes."—Description of, while in Hayes' Cabinet, by a reporter.

## Parallel—Evarts, Porter, Beach.

“We confess that after quaking at the thunders of Beach, and growing feverish over the drama of Porter, it is refreshing to listen to the calm, clear logic of a man like Evarts. If one considers a case under Beach’s presentation, it is like looking on an object through a superior magnifying glass; when Porter presents it, you gaze through a variously-stained glass window of many panes; when Evarts presents it, you see it through a broad, clear pane of French plate. We had feared, however, that Mr. Evarts would not appear to his best advantage in this trial. We had supposed that his proper and exclusive arena was where grave Constitutional questions are discussed—as, for instance, on the impeachment trial of President Johnson. But his conduct of this case has been a surprise to us, as we dare say it has been to every one else. It seems to us that it has been faultless. In every point of view—as an examiner and cross-examiner, in the discussion of points of evidence, and in the summing up—he has exhibited the most varied and admirable talents of a lawyer. His cross-examination of Theodore Tilton, in our judgment, was an unequalled masterpiece; and his final argument, while it must yield to those of his brethren in brilliancy and declamatory force, must have left a deeper mark on the jury than theirs. Mr. Evarts’ rhetoric is far from being a model—somewhat diffused and involved; but, spite of all seeming

disadvantages, he has the art to appear less an advocate and more a disinterested judge than either of his compeers."—"Three Great Advocates," Albany Law Journal during Beecher-Tilton Trial, 1875.