

nation of the witnesses. Our opponent was Mr. Thomas Jennings, the ablest criminal lawyer at the bar, and he did his best for McCullough, but the circumstantial evidence was overwhelming. He was convicted and sent to the penitentiary. The trial took place on a day in July, and I was to speak after the lights were lit in the court room. I was so interested, and it was so hot, that thoughtless of all etiquette I pulled off my coat, and put on a white linen roundabout. The associate Justices, Worthington and McMechen, were on the point of reproofing me, when Judge Brice intervened in my behalf. 'Let him alone,' he said, 'He's brim full, and it may break him down now and forever, if we scold him.' This case made me many friends, and besides the \$30 that Compher paid me brought me some Criminal Court success.

"Things slip from my recollection while I am writing, or rather my mind skips them over, obliging me to go back to them when they afterwards occur to me. It is a lawyer's life that I am writing, and so my early practice claims a place upon my pages. When General Harper died he was engaged as counsel for Mr. Nicholas M. Bosley, a very wealthy merchant, one whose ships had been libelled for seaman's wages by a mate whose connections made the case one of feeling. As a compliment to General Harper's memory, Mr. Bosley, to whom I had as a student taken messages on law matters from the General, told me to consider myself in the place of my late master and as junior counsel to Mr. Taney, who had been employed to succeed him. Of course, I put "my best foot foremost," and read all that could be found on the subject and prepared a brief. Mr. Taney asked to see it, spoke kindly of it, and then saying that it was only fair I should see his, handed it to me. When I proposed to return it, 'Not at all,' he said, 'I place

it at your disposal. If you can make use of it, I shall be all the better pleased; though do not let it interfere with your own line of argument.' When I said something about availing of his labors, he replied, 'Never mind that, I shall no doubt find something to say in reply to the other side, some pickings and stealings.' And this was Mr. Taney's way invariably. In numerous cases afterwards, he was the same liberal colleague, very different in this respect from Mr. Wirt, who kept his own counsel, and contributed little in consultation with his colleague. It was intensely hot weather when we tried the case of *Smith v. Bosley* in the District Court of the United States, and I was in a profuse perspiration while I spoke. When Mr. Wirt rose to reply, following Mr. Taney and myself, after some complimentary remarks he continued, 'And may it please your Honor, it only remains for me to say in this connection, that I sincerely hope that the pearly drops that have fallen from my young friend's brow may be regarded by his client as pearls of great price, and paid for accordingly.' Mr. Wirt was at this time in the full vigor of mind and body, a tall, portly, erect, and pale visaged man, with noble features and majestic carriage, the sweetness of whose voice was only equalled by the charm of his smile. Few persons that I have ever met with had this same presence, and in social life his manner was the perfection of refinement. At the bar I sometimes thought he was irritable; but this was an exception to his general manner, which was eminently courteous to his professional brethren. Mr. Wirt had a strong sense of the ludicrous, and was one of the best raconteurs I ever listened to.

"I was never satisfied that Mr. Wirt was a profound lawyer. But he was a most laborious one. The trouble he took in the preparation of his part of a case was wonder-

ful. In the great case of the Canal and R. R. 4 Gill and J. 1, I was junior counsel with Mr. Taney and Reverdy Johnson, Mr. Wirt and Mr. Walter Jones on the other side. From the window of my room at Annapolis I could look into Mr. Wirt's room across the yard of the hotel, and at two o'clock in the morning I have seen him on a hot summer night, in his shirt sleeves, busily engaged in writing, where I had seen him at the same work since supper time. He had, when he spoke, not only written out his whole argument, but he had rewritten it, that he might improve and condense it. I know that this was so, for he showed me two manuscripts. I have no doubt that in a great cause Mr. Wirt's spoken argument would have been almost verbatim his written one. But it is an error to suppose, as I have heard it said, that he was not a fluent extemporaneous speaker. I have fancied that he was not sure of himself as a lawyer without preparation as I have described, and did not trust himself to wander from the manuscript, of which he had made sure beforehand.

“Between Mr. Taney and Mr. Wirt there was the greatest possible difference in manner and appearance. Portly and erect, with what must have been a handsome figure before he assumed Aldermanic proportions, Mr. Wirt, when he rose to address a jury, impressed them with the idea of perfect health, whose only drawback was suggested by the pallor of his skin. His opening sentences were always accompanied with a pleasant smile, and it was apparent that he desired to establish in the beginning personal relations with those to whom he was speaking. His voice I have already described. When Mr. Taney rose to speak, you saw a tall, square shouldered man, flat breasted in a degree to be remarked upon, with a stoop that made his shoulders even more prominent, a face without one good

feature, a mouth unusually large, in which were discolored and irregular teeth, the gums of which were visible when he smiled, dressed always in black, his clothes sitting ill upon him, his hands spare with projecting veins—in a word, a gaunt, ungainly man. His voice, too, was hollow, as the voice of one who was consumptive. And yet, when he began to speak, you never thought of his personal appearance, so clear, so simple, so admirably arranged, were his low voiced words. He used no gestures. He used even emphasis but sparsely. There was an air of so much sincerity in all he said that it was next to impossible to believe he could be wrong. Not a redundant syllable, not a phrase repeated, and, to repeat, so exquisitely simple. I remember once hearing him in a complicated case, and, when he sat down, fancying that I in my first year's practice could have done as well, so simple had become complications in his hands.

“In connection with Mr. Taney's style of address, a story current at the bar was that Mr. Pinkney had said when speaking of it, ‘I can answer his argument, I am not afraid of his logic, but that infernal apostolic manner of his there is no replying to.’”

In after years Mr. Latrobe and Mr. Taney were next door neighbors. Mr. Latrobe owned and lived in the house on the N. E. corner of St. Paul and Lexington Street. Mr. Taney owned and lived in the house next door. In extending the back of his building, Mr. Taney claimed Mr. Latrobe had trespassed on his lot, and, notwithstanding his apostolic manner, wrote letters with little of the apostolic spirit in them. Reverdy Johnson was agreed upon as arbitrator and established the dividing line by a deed and opinion recorded in 1855 E. D. No. 94, folio 494, &c., and there was peace between the houses of Latrobe and Taney.

**PORTRAIT OF JOHN H. B. LATROBE**

*Painted by Thomas Sully*

**JOHN H. B. LATROBE  
AND HIS TIMES  
1803-1891**

BY  
**JOHN E. SEMMES**

*WITH THIRTY-EIGHT ILLUSTRATIONS  
IN COLOR, AND BLACK AND WHITE*



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