which custom assigned. Wirt, in his later days, complained that although he had long ago given up all superfluous rhetoric, he still found an audience of ladies whenever he was to speak in court.[12] The majority of lawyers seem to have had no such scruples about irrelevancies, and apparently it may be said of much of the argument produced by these long time allowances that its relation to the session of the court was about that of music to meals, and it was not always moving music. Judge Mason[13] says of McMahon's argument in Young v. Frost,[14] in which Judge Mason himself sat, that:

> Though his *argument* was powerful and perhaps conclusive, it was so magnificently decorated by the figures of fancy that the members of the court, not familiar with his style, found themselves so much dazzled and bewildered by his eloquence that they lost sight of his logic and argument—it was so at least with one.

And Judge Mason does not leave off his testimony with that.

> Often in the Court of Appeals, with but three weary, worn-down auditors upon the bench, who had been listening day in and day out for months to long, tedious arguments, and who had become almost insensible to flowers of fancy or the beauties of elocution in the dry details of legal argument; with a languid, listless clerk or two whose ears by constant listening for a quarter of a century had become dead to all beauties of thought or language, and who generally, by habit, selected such occasions of oratorical displays before the court as the fittest time to snatch unobserved their daily nap; with these often as his only audience, he would yet pour forth such streams or rather torrents of forensic eloquence as would have charmed admiring Senates and lashed to frenzy a sympathizing populace.

12. Kennedy, II, 304.
13. Life of McMahon, 100.
14. 1 Maryland Reports, 377.