

he has been a liberal and constant benefactor. The elegant marble structure on Fourth Avenue, known as St. Paul's Church, is a monument to his liberality. Waiving his desire that a theological seminary, bearing his name, should be erected in Carmel, the place of his birth, he selected the beautiful site in Madison Square, central to the whole church, for the establishment of a denominational seminary. The manner in which he made the great donation is characteristic of the man, and we have detailed it elsewhere. Considered from any stand-point, Mr. Drew must be regarded as a public benefactor. His industry, energy, and talents have been honorably employed. In donations seldom equalled he has laid a chaplet on the altar of religion, a testimonial of its value in youth and its support in age.

LXVI.

THE NEW YORK BAR—ITS REPRESENTATIVE MEN.

GENERAL VIEW.— EMINENT LAWYERS.— CHARLES O'CONNOR.— WILLIAM M. EVARTS.— JAMES T. BRADY.— DAVID DUDLEY FIELD.— A. OAKLEY HALL.— WILLIAM J. A. FULLER.

GENERAL VIEW.

THERE is so little homogeneousness among the members of the New York bar, that to attempt the briefest sketch even of our leading lawyers would take more space than we can give to the subject. We will therefore only say, generally, that there are over three thousand lawyers in New York city who gain a livelihood by their professional labors, with incomes ranging from five hundred to fifty thousand dollars each. Of course the number who receive the latter amount is exceedingly limited, by far the larger majority of them justifying Daniel Webster's criticism, that "lawyers work hard, live well, and die poor." The average income of a first-class New York city lawyer, in good practice, ranges from ten to fifteen thousand dollars a year. Of these three thousand lawyers, perhaps half a dozen or more have a national reputation, while the rest are wholly

unknown as lawyers outside of the city of New York. In fact, New York lawyers do not know each other, except as they are brought into personal or professional contact. Some dozen or so of the best lawyers are more or less known to the whole profession from their prominence at the bar, or the accident of the peculiar line of practice which they pursue. Of the rest, perhaps a hundred are known to each other personally, by social relations or otherwise; another hundred by their professional or business intercourse; and the rest are as unknown to each other, even by reputation, as if they resided at the antipodes. There is not that general *esprit de corps* in the profession which is found in other places. There are several reasons for this apparently anomalous condition of things. In the first place, New York is such a maelstrom that whatever lawyer comes here — no matter what his previous career or legal reputation, or how great his talent — soon has his individuality swallowed up in the general vortex, and is rarely brought to the surface unless by some exceptional circumstances. Then, again, there are so many different courts in the city that very good lawyers may even have an office in the same building, may each have a large practice, and hardly ever meet, from the fact that one lawyer brings his cases in the Supreme Court, another in the Superior Court, another in the Common Pleas, and so on, as the caprice of the lawyer or other reason may dictate. Moreover, many of our best lawyers content themselves with chamber practice, giving counsel, conveyancing, etc., and never appear in court. In fact so much time is lost by *waiting* in court-rooms, that lawyers absolutely avoid the trial

of cases as much as possible; and thousands of cases are settled annually from this very cause, that might otherwise be litigated to the bitter end. It is a surprising fact that very few lawyers here practise in the Federal Courts. The Circuit Court of the United States for the Southern District of New York is almost a close corporation, there not being more than a dozen lawyers who practise there regularly, and it is a *terra incognita* to the New York bar generally. We do not believe there is any lawyer here who can make out a complete bill of costs in this court without the assistance of the clerk. A similar condition of things exists with regard to the United States District Court, except that the number of regular practitioners may be increased a score or two. In this court, where is conducted the admiralty and maritime business of this great commercial city, it is a singular fact that no lawyer has had any nautical experience, — there is no man whose early training qualifies him to try a nautical case with the *best* results. We know of but one man of the New York Bar (Mr. W. J. A. Fuller, referred to below as the Rubber Patent Lawyer) who has spent years of his life as a sailor; and he rarely tries this class of cases, for which his training and experience eminently qualify him; but when he does, he crushes his opponent like an egg-shell. We mention this circumstance merely to show that the practice of the law in this city is full of *specialties*, and that each lawyer adapts himself, not perhaps to that for which he is peculiarly qualified, but selects that branch of the profession which yields him the largest income.

EMINENT LAWYERS.

We will have to content ourselves with a pen-and-ink sketch of a few only of its representative men.

CHARLES O'CONOR.

First and foremost in the profession — a rank conceded to him by the universal suffrage of the bar and of the community — stands Charles O'Conor, who wears his laurels with a grace and gentleness that command unbounded respect and confidence. The Forrest divorce trial first brought Mr. O'Conor into national prominence, and made known to the whole country, what was then only known to the bench and the bar of this city, that he who could in such a forensic grapple utterly overthrow such an adversary as John Van Buren, must be a lawyer of the very highest talents and attainments. Mr. O'Conor's peculiar characteristic is great common sense, which enables him to apply his prodigious legal learning in so clear a manner as to make his points equally apparent to the unlettered juryman and to the profound jurist. He has no clap-trap, no straining for dramatic effects. His quiet, almost cold manner, his inexorable logic, his piercing, and at times almost stridulous voice, his sharp, glittering eye, that holds a witness or an opponent with a charm equal to the fascination of Coleridge's Ancient Mariner, all bespeak a man of no common mould. His industry and application are wonderful, almost beyond belief. He is always calm and collected, never losing his temper or thrown from his balance. He relies on the strong points of his case, and never lumbers it with

useless rubbish or foreign or immaterial issues. He holds the ear of corn up before you, strips off the husks, always from the top, and never beginning at the bottom, until he reveals the core, and this he holds before the judge and jury with a plain, straightforward directness that makes his hearer oblivious of the husks, remembering only the ear — the strong point upon which he relies to carry his case. He has been successful beyond measure, although he has always been careless and capricious in the matter of fees, being governed by circumstances of the case and of the party, and by his own whims, and not guided by any fixed rule. For many years past he could make his professional income just what he pleased, increasing it to a fabulous amount had he been so disposed. He has confined himself very closely to his profession, rarely mingling in public questions, political controversies, or post-prandial speeches; and yet, in private and social life he is one of the most genial men imaginable. He is said to have replied to an admirer, who complimented him on his professional success as compared with that of John Van Buren, "Perhaps had he devoted himself as assiduously to his profession as I have done for the past twenty-five years, and not given so much of his time to public life and private entertainment, the result would have been far different."

Mr. O'Conor is a Democrat in politics, a Catholic in religion, but quiet and unobtrusive in both. He has argued many cases involving the gravest public questions, and it is said that in preparing for the defence of Jefferson Davis, he has subordinated all the learning and statesmanship extant that bears upon the case, and

that he designed to make this the crowning professional effort of his life.

WILLIAM M. EVARTS.

In this connection we will introduce William M. Evarts, perhaps the only man at the New York bar who can be justly called Mr. O'Connor's peer. He, too, has argued many most important public cases, and has been fittingly selected by the government to prosecute Jefferson Davis. Each of these lawyers feels and knows that in the other he has an opponent who will call forth all his skill and power, and doubtless experiences, in anticipation of this conflict, —

“That stern joy which warriors feel
In foemen worthy of their steel.”

Should this trial ever take place, it will have something more than the historic interest involved in its momentous issues, in the sharp and fierce play of steel between these opposing champions. It will be artistic cutting and thrusting with Milan blades, no coarse work with butchers' cleavers. Mr. Evarts is a *great* Common Law lawyer. Gifted with extraordinary natural talent, he has labored with untiring zeal and industry, until he has accumulated an amount of legal learning, even to attempt the acquisition of which would appall a man of less ability and perseverance. Born and reared in New England, he early acquired habits of industry and self-reliance that have made him not only a great a great man. He is one of the clearest and thinkers on public affairs in the country, and the most original minds. In the trying or great civil conflict, when new Alabamas

were launched and fitting out in England to destroy our commerce, this man, of slender frame but giant mind, was sent by the government to England to prevent this flagitious national wrong. By the sheer force of his superior intellect and knowledge of international law he accomplished more than whole navies — he stopped this outrage. After reasoning the matter with the best publicists of the English cabinet, he had such assurances from them that he wrote to Mr. Seward, in effect, that he need have no further apprehension, for these piratical craft would not be permitted to go to sea — and they did not sail. This was in the darkest hours of the strife, when, perhaps, another Alabama or two would have been “the last pound that broke the camel's back.” For this signal service he deserves the lasting gratitude of the nation. Mr. Evarts presents the singular anomaly of a man eminently fitted by nature, training, and habits to hold a place in the councils of the nation, and yet who finds the post of honor in private life. His voice would be potential in the Senate, and yet the great State of New York is often, practically, represented there by empty chairs. In England the state would be sure to have the services of such a man in some public position at any cost. Mr. Evarts has a clear, ringing voice, of great penetration and power, a pleasing delivery, that often rises to earnestness and eloquence, and a comprehensive grasp of the question or case under consideration that generally carries conviction to the reason and judgment of the auditor. His manner is somewhat peculiar at times. He has a large blue eye, which often seems to look, not at outward objects, but which is introspective, as if the

speaker were seeking the thought in the depths of his own mind, and was oblivious of everything around him. As a pleasant orator, an after-dinner speaker, full of playful wit, and quiet, dry humor, he stands almost without a rival, in or out of the profession. Mr. Evarts has, perhaps, the best clientage in New York, and represents the "heavy respectability" of the best classes and highest toned merchants, bankers, and insurance offices in and about Wall and South Streets. He is among the safest of counsellors and the best of lawyers.

JAMES T. BRADY.

James T. Brady is the only lawyer of the New York bar who has positive genius. O'Connor, Evarts, and others have the highest order of talent, but they stop just short of genius. High as Mr. Brady stands in the profession as an advocate, a counsellor, and a lawyer of the largest and widest capacity in every department, he illustrates eminently the fact that heavenly genius must be wedded to earth-born industry to insure perfect and complete success in any walk in life. Not that Mr. Brady is without great legal attainments. On the contrary few men surpass him even in this direction. But his lack of steady application is well known, and its effects often injuriously felt by himself, at least, though not perhaps perceived by others. Had he the industry, the close and constant study of Mr. O'Connor, for example, he would be a very Titan. His versatility of talent is most remarkable. Whether arguing an abstruse and intricate question of law to a court, or indulging in the pleasing flights of fancy, or thrilling bursts of eloquence to a jury, he is equally at home,

equally ready, facile, forcible, and convincing. He is a most felicitous speaker at the bar, in the forum, on the platform as a lecturer, on the stump in a political canvass, at a public dinner, literary festival, or private entertainment, and at a social gathering. In private life he is a man "of infinite jest, of most excellent fancy." He has an ardent temperament, a highly poetic nature, and the most exquisite imagination. With all his genius he is as simple, unostentatious, as a child, and his affability to the younger members of the profession is worthy of imitation. He is always ready to grapple with the most difficult case, and never loses his self-command or self-possession, either at the bar or elsewhere. No draft can be made on him for services of any kind which is not readily honored at sight. He is by far the finest rhetorician at the bar, with a wealth of diction, a gorgeousness of imagery, a felicity of classic allusion, and a richness of ornate, apt, and refined illustration, that are without parallel. He tries many very desperate cases, so desperate in fact that no other lawyer will touch them, and often wins them by his fertility of resource, and the assiduous devotion to the interests of his clients. Mr. Brady may be properly styled the most genial member of the bar; always courteous, polite, polished, considerate, especially to his inferiors, he is the Chevalier Bayard of the profession — always *sans peur et sans reproche*.

DAVID DUDLEY FIELD.

David Dudley Field will always have a niche in the temple of legal fame, as the author of the New York Code of Procedure, and is eminently worthy of