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TO

STUDENTS AT LAW

IN THE

UNITED STATES.

BY

DAVID HOFFMAN, J. U. D.

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PHILADELPHIA :

BARRETT AND JONES, PRINTERS, 33 CARTER'S ALLEY.

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A CIRCULAR

TO

STUDENTS OF LAW IN THE UNITED STATES.

IN the year 1824, under the auspices of the University of Maryland, I established in the city of Baltimore a Law School, under the denomination of the Maryland Law Institute. This establishment continued in successful operation nearly eleven years, having received students from *eleven* of the States, and from two foreign countries. Owing to the pressure of an extensive practice, simultaneously with the duties which the Institution involved, I resolved, in the year 1836, to abandon not only the practice of my ever and long cherished profession—but also the Law Institute; and, for health and ease, sought the more genial climates of Europe. Finding, at this time, my health perfectly restored, and with it no abatement whatever of my zeal and devotion to that great science, which, in this country of all others, needs to be *methodically* and carefully studied—and seeking, moreover, industrious and continued occupation, so essential to happiness in a land that knows *no idlers*, I resolved to re-establish the Law Institution,—and have selected *Philadelphia* as the place of its location. In so doing, I have thought that no city in the Union affords such various and ample inducements for all the purposes of the Law Student—and that in none can a more worthy economy be preserved and yet with every requisite comfort.

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The frequent application, made to me from a distance, on the former occasion, in regard to the *particulars* of my enterprise, induce me to anticipate similar inquiries now—and to meet all such in advance I now address this *Circular*, as all that I can offer in explanation, and, probably, as all that may be requisite.

The Institution, dedicated alone to law studies, and their cognate and auxiliary topics, is a spacious and beautiful building, No. 117 South Fifth Street, suitable for the accommodation of about sixty students. The rooms are all suitably furnished—supplied with an extensive law and miscellaneous library—with *precedents of practice* in every conceivable and approved form. Students are admitted at any time throughout the year—courses of study, and the requisite books, are supplied so as exactly to meet the wants and views of the student, according as he may design to practice his profession, either in the country, or in some of the maritime cities. The laws of every state in the Union are in some degree dwelt upon—*practice* is constantly blended with *theory*—but the deep and radical error of *parents* as well as of *students* is carefully avoided—I allude to the too erroneous notion that law students are to be made *mere mechanical artisans*—*mere attornies*, learning *practice* by rote, and jealous of *book knowledge* as being too *theoretical*! This mischievous error must inevitably degrade the science and profession, and is a gross mistake, since no *practising attorney* was ever a good and lasting one, who was not also deeply versed in the *reasons* and *theory* of the law. I therefore cannot acquiesce in, and never will yield to the vulgar error of putting *practice* before and above theory—it is an unnatural *inversion* of the established order of nature—an ignorant and slovenly way of urging young men on to attempts far beyond the powers of the human mind—for if the grounds and reasons of the science be not well known, the practice *cannot* be well known.

But the error, to which I so earnestly allude, is founded upon another, which is equally false and narrow—viz. that students can learn the *practice* only in a *practising lawyer's office*! On the contrary, as a general rule, it is the very last place in which he ever does or can learn the practice—and this can be made extremely manifest. What is *practice* as distinguished from

theory? Take a single example—and *ex uno disce omnes*. The *theory*, or a law point says to the student, if A lends B his watch, and B sells it, or refuses to return it, A may bring what is called an action of Trover and Conversion. Now *trover* means finding, and *conversion* means appropriating it to his own use; and here, again the student learns two other *theoretical* law points—viz. that the *finding* is now a mere verbal fiction, not at all material, or to be *proved*—and secondly, that the conversion by the defendant to his *own use* consists in the mere withholding the property from the plaintiff, although it should be ever so clearly proved that he in no way used the property for himself, or for any purpose whatever, but to withhold it from the plaintiff.

Now all this *theory* must be learnt, and a good deal more, before the *practice* comes—and that practice, on the plaintiff's part, consists of a thorough knowledge of the *forms* or *precedents*—and on the defendant's part, of the like knowledge as to the *formulae* of the pleas, rejoinders, &c. There are, therefore, *books of precedents*; these books unfold every practical proceeding whatever, in every action known to the law—progressively, from the impetration of the *writ* to the final return upon the *execution*.

These *formulae* of writs—returns to writs—appearances—bail—imparlances—continuances—impannelling of juries—trial—exceptions—verdict—judgment—execution—return of execution—or, on the other hand, new trial—or appeal, &c. &c.—are all set forth in the *precedents*; so that, he who knows most of *precedents*, knows most of *practice*: but still, these precedents cannot themselves be understood, without a previous *theoretical* knowledge. The question, then, resolves itself into this. Cannot a law student be well grounded in all the precedents, *lato sensu*, who never saw a practising lawyer's office? And why not? On the contrary, can he not learn far more of practice by the judicious and careful study of all the *formulae* (which he never does in a practising lawyer's office) than by writing, or rather *copying*, those *simple* and occasional declarations, pleas, &c. which the master of an office assigns to the student? Is it not uniformly the case that all really difficult and responsible business of this sort is done by the master himself, without ever reaching the eye of the stu-

dent—or, if it does, only to mechanically *copy* it? Again: Who can distinguish between a real suit in court, and a *fictitious* one, in which one student prepares the writ—another the return—another the declaration—some other the plea, &c. until all of the *practical* proceedings are gone through? And what prevents these students making a *record* of the whole, and then comparing all with a certified record from some court of justice in a like action? All this surely *may* be done in a Law Institution—and far better—more quietly—and with more time, than in business offices, where many precious hours are often lost in useless messages—long walks—transcribing letters—*copying* (not *devising*) declarations, pleas, replications, &c. so generally the sole workmanship of the master of the office, and so very seldom that of the student. I confess that all this is to my mind extremely plain, and has long satisfied me of the *popular* and serious *error* which has placed young men in offices, where little either of theory or practice is learnt. This, surely, is not always the case—but it is too often such, as many *desponding* students have found, and as others have been compelled to confess, that they never learned much of theory or of practice until *after they came to the bar*; but, at which time it was found very up-hill and arduous work, and sometimes not accomplished even through a whole life of toil. Doubtless there are many noble exceptions to the correctness of these remarks—but still, I aver it as a fact, that my experience has never made me acquainted with any *young lawyer*, who, in candid conversation, was not willing to confess that his legal education had been very hap-hazard—and that *practice*, to any really valuable and *abiding* extent, is the last thing a student can ever hope for in a *practising* lawyer's office.

After an extensive practice of seven and twenty years, in all of the courts, and a devotion to the *interests of law students*, during much of that period, it may not be too much to say that *practice* can never be lost sight of in this Institution, and that nothing but *mechanical narrowness of legal education*, unworthy of an enlightened lawyer, could ever patronise even the intimation, that such an Institution was only adopted for the inculcation of the *science*, and not of the *art* of our profession—an intimation

confined, doubtless, to a very few, but which, still, is one so fatal to the interests of law students, and so captivating to uninformed parents and guardians, and even to the ardent student, who is so liable to be too anxious to *practice*, before he has submitted to the *toils of learning how*, that even conscience bids me indignantly repel it, as a great and a serious error.

Various and mixed as is the learning of our jurisprudence, it has its natural connexions and its established dependencies: and, indeed, in proportion to the multifariousness of its topics, is their *just order* to be consulted by the student. With these views, and to point out the *best sources* of legal information, the "*Course of Legal Study*," in one volume, was prepared by me, in the year 1817; which, as I presume, was the first manual ever arranged for law students, either in England or in this country. That edition was promptly exhausted—but, owing to continued occupations, I could not be induced to publish a second edition until the year 1836—in two volumes, which, having *no publisher*, was never *distributed* extensively, and consequently is far less known in this country than, perhaps, in England and upon the Continent! Arrangements, however, will soon be made for its *republication*, as it has been so much asked for, and could never be found, owing to those *arcana* of the trade, which it would be out of place here to dwell on.

As to the *organization* of the Law Institution, it is sufficient to observe that there will be no *public* lectures whatever—but only to those who enter as members of the Law Institution for *six months*. No particular time of study is prescribed—it may be *six months* or *six years*—there will also be occasional easy and colloquial conversations and examinations, on points of theory and of practice—occasional lectures throughout nearly all of the months of the year—opinions will be written by the students, and carefully examined—a methodical course of study will be adapted to each student's need. If he comes as a *tyro*, he will commence at the *real beginning*—if he be *more advanced*, he will begin at the exact point of his then attainments—and, if he be nearly ready for the bar, his readings and practical exercises will be accordingly. Students will be expected to study and work out law points for

themselves—the *sources* and *facilities* will be furnished—and, if he *cannot* solve the particular doubt, it will be then, and then only, *solved for him*, or the particular *source* will be given him, by which he may dispel the difficulty. In the science of law, and in its practice, there can be no *royal road*—toil is the common lot of all—*genius* can never supply the place of *labor*, and none can hope to be sound lawyers without work—work—work.

In regard to the expense of living in this city, I have no particular information to communicate. It is said to be the least expensive city of the union; and I am informed that board varies from \$2 50, to \$8 per week—as to all other expenses, those must depend upon the means, and the *prudence* of the students themselves.

Students enter only for *six months*; and on any day of the year. Fee \$62 50 for the half year, payable in advance. The general idea in the United States seems to be, that *three* years, from the commencement, is the proper novitiate—and this, also, must depend upon the student's pleasure, or good sense, to make it less or more, according to the views he may have.

The advantages of *associated* studies over those that are more solitary, are very great and undoubted—for, when emulation is in its first vigor, it is highly important to give it an impulse in the direction of its future objects. We are apt to flag in the race, when we do not hear the tread of our competitors near at hand. If, on this principle, the learned collect themselves into societies, students into colleges, and members of the same craft into fraternities and companies, there is equal, perhaps superior reason, for the law student, to emerge from that studious *solitude* in which it has been hitherto the fashion to attain the laborious learning of his profession.

DAVID HOFFMAN.

PHILADELPHIA, JANUARY, 1844.

RECOMMENDATIONS.

Letter from Mr. Justice Story.

WASHINGTON, March 13, 1844.

My Dear Sir :—Our friend, Mr. M——, has just sent me your printed Circular for the opening of a Law Institute in Philadelphia. This is the *first* information which I have had of your project, or removal to Philadelphia, and I heartily, *ab imo pectore*, wish you success in this enterprise—entire and satisfactory. Your Circular is conceived in the right spirit; and I entirely agree in the opinions you have there expressed, as to the paramount importance of *theoretic* knowledge of the law, to a due appreciation of the principles of *practice*. Your Circular states the truth—and it is lamentable to say, how much it has hitherto been neglected in judicial education.

You were the *first* in our country to call the attention of students to the importance of a deep and thorough study of the Law, in all its various departments, its elements and its morals. You did it at a time, too, when you had no coadjuter, or even a fraternizing public. Your life has been at once an example and an illustration of such high studies. You have not merely shown what may be done by an enlarged and liberal devotion to Jurisprudence, but you have also done much to make it attractive, as well as useful. You deserve success, for you have fairly *won* a title to it; and I hope the public patronage will follow and aid you.

Thus much, as an old friend, I would not but say to you,—and you, I am sure, will take it as a sincere tribute to your talents and acquirements. I write to you in great haste, at the very close of the Court, and my wish is to be held by you as an affectionate friend.

JOSEPH STORY.

From the Philadelphia Inquirer.

LAW STUDIES.

We call the attention of Law Students in different parts of the Union, to the Circular of David Hoffman, Esq., in another column.

Mr. Hoffman's fame is too well known in the legal world to need any eulogia at our hands. His proposition of a Law School in Philadelphia, speaks for itself.

While his school was established in Baltimore, it turned out some of the brightest ornaments of the profession, and we feel confident that its sojourn in the city of brotherly love, is destined to be fully as successful.

We earnestly hope, that, if there be any youth, under whose eye this paragraph may fall, desirous of acquiring the legal profession, he will at once forego all other plans and become a member of Hoffman's Law Institute. A diligent pursuit of Mr. H.'s system of studies will insure success to the student in a time far shorter than that spent in an ordinary law office. Experience has tested the truth of what we here say.

A lawyer of sounder judgment and profounder learning, and a teacher of greater aptitude than Mr. Hoffman cannot be found; and in this opinion we are sustained by the judgment of all his able contemporaries.

From the Baltimore Patriot.

It will be seen, by a notice in another column, that David Hoffman, Esq. has removed his Law Institute from this city to Philadelphia, and will hereafter make the latter city his permanent residence. The many personal friends of Mr. Hoffman in this city will hear of his removal with very many regrets, and our citizens generally, who have so great and high a sense of his learning and usefulness, and who have so often listened with delight to his eloquence, and received from him instruction, will not less deeply regret that he should have determined it proper to change the place of his usefulness. We commend Mr. Hoffman to the kindest regards of the citizens of Philadelphia, which his high moral character and acquirements will not fail to secure for him, as he becomes generally known there.

From the Philadelphia Daily Sun, January, 1843.

LAW INSTITUTION.

We take great pleasure in informing the public that DAVID HOFFMAN, Esq. for many years known to the legal profession, and to law students of this and other countries, has recently removed to this city and opened a splendid establishment at No. 117 South Fifth street, solely for the reception of students of law, from the various parts of our extensive country. We know that Mr. Hoff. was an eminent practitioner in the Supreme Courts during many years; and at the same time presided over a similar institution, in his native city, during more than ten years. Having visited Europe for several years, his establishment was closed, and is now to be revived in our city, under the like regulations. We have visited this establishment, adapted for the admirable accommodation of about sixty students. We there found an extensive law and miscellaneous library in every department of jurisprudence, sciences and literature. The rooms are very handsomely furnished, and supplied with every thing that may promote study and repose. An *Introductory Lecture* will shortly be delivered to the general public—ladies and gentlemen—when law students, parents and guardians may then be informed as to all the plans of Professor Hoffman in regard to a legal education. Such an establishment we regard as novel—much needed—and entirely adapted to our wants, and to the thorough accomplishment of students in the depths of the science, and in all its various *practical* details. We heartily wish the fullest success to Mr. Hoffman's enterprise, and trust that Pennsylvanians will not be behind those of other States in fostering this well-planned institution. The central position of our city—its numerous facilities for the acquisition of knowledge—the sobriety of its population, and the moderateness of living, and of all charges, are circumstances that recommend this locality with peculiar force.

Mr. Hoffman's legal and miscellaneous works need not our mention, as strong proofs of his qualifications—these have gained for him the literary honors of foreign universities; and it is said, that his work on *Legal Studies* is unrivalled, and has exhausted the subject. After we have become more fully acquainted with that gentleman's plans, we shall not fail again to advert to the subject, invoking students of law from every State to concentrate *here*, believing, as we do, that it will be their own fault if their progress in law should not answer every expectation. We know that there can be no "*royal road*" to the sciences any more than to geometry—much, very much, must depend upon the stu-

dent himself—but, as we conceive, 'tis much, very much to have a faithful guide—extensive sources of reading and consideration—*societies* in our studies—a legal atmosphere: and all these, students will have in the proposed establishment. Mr. Hoffman will lecture occasionally throughout the year; but his lectures, and all the facilities of his establishment, are for those only who enter as students, for any period not short of six months. We are informed that the charge, per annum, is \$125, which seems to us moderate enough considering the many great comforts and advantages of the institution. Success to his laudable plan; and we doubt not that the Profession generally will unite with us in this wish.

From the Philadelphia United States Gazette.

HOFFMAN'S LAW INSTITUTION.

Conversing with a friend—one of the initiated—we were pleased to learn so favorable a report of the facilities and advantages which this institution offers to law students. We were quite interested in his account of the extent and order of the libraries and apartments, and with the peculiar and excellent mode of Mr. Hoffman's instruction and examination—blending with the theory, a *practical* knowledge, of his favorite science.

Mr. Hoffman's institution at Baltimore, ranked as high, if not higher, than any other Law School in the country, and many lawyers distinguished for their eminence and learning, in various parts of the Union, were educated there. Mr. Hoffman having removed his institution to this city, we trust the public may continue to appreciate its value to the legal profession, and that the sphere of its usefulness may continue to expand, while as Pennsylvanians, we may feel just pride in this acquisition to our Law-learning.

HOFFMAN'S LAW INSTITUTION.

THE SUBSCRIBER HAS ESTABLISHED AT

NO. 117 SOUTH FIFTH STREET, PHILADELPHIA,

An extensive Institution for the reception of LAW STUDENTS from every part of the Union. The advantages offered are as follows:—An extensive *Library* of about 4000 volumes in every department of Jurisprudence—of Universal Literature, History and Science—Lectures on Law, and also on its cognate topics, nearly throughout the year—the PRACTICE of all the courts specially attended to, and in a mode of greater *certainty* and *rapidity* than can possibly be obtained in any counsellor's Office. Written Legal Essays by the Students who prefer to be thus engaged—familiar *Conversations* on most points of Law—perpetual attention to a SURE and PRACTICAL COURSE OF STUDY—the adaptation of that Course to the exact wants of the Student, according as he may design to practice in the country or in some maritime city—a course as long, or as short, as the Student may prefer.

The FORMS of all legal proceedings progressively studied—the Practice explained *practically*, and also *philosophically*—all the newest books, as they appear, added to the Library—and all the Law Journals, foreign and domestic, and in all the living languages of the continent, the Laws of nearly every State in the Union either in bulk, digested or condensed. And when the number attains to sixty, the lectures will then be *twice* a day, during *ten* months of the year. The building is adapted for about that number, is commodious, airy, and well furnished.

The student enters only for *six months* at a time, and in any day of the year—he continues his studies at the point in which he may then be. If a beginner, the elements will be thoroughly imparted, whilst he has the benefit of hearing, at the same time, the higher order of instruction, in anticipation of his own reading. No *period* of study is prescribed—long, or short, must depend upon the student himself. Whenever well qualified a CERTIFICATE of that fact will be conferred. For every half year, \$62 50. Living in this city is, perhaps, more moderate than in any other large city in the Union—possibly more so than in very small ones. Those inclined to know further particulars, may receive, by mail, a *Circular*, addressed by me to Law Students. And, as to qualifications, practical and theoretic, they are referred to the subscriber's legal works—to his practice in many Courts during nearly thirty years—to any of the Judges of the Supreme Court of the United States, and to those of the Court of Appeals of Maryland, to whom he is best known. He is thus voluntarily particular, from having, as early as 1817 had cause to manifest his conviction that LAW STUDENTS of this country have not been as faithful to themselves and as desirous of availing themselves of every *legal facility*, as Medical Students uniformly have been, in seeking those facilities that appertain to *their* vocation.

DAVID HOFFMAN.

Philadelphia, July 17, 1844.

☞ Mr. Hoffman is a member of all the Courts in the city.