

HOW
SUCCESSFUL LAWYERS
WERE EDUCATED.

ADDRESSED TO STUDENTS, TO THOSE WHO EXPECT
TO BECOME STUDENTS, AND TO THEIR
PARENTS AND TEACHERS.

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TO MY MOTHER,

JANET CAMPBELL-ERSKINE MACDONALD,

THIS BOOK IS INSCRIBED.

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PREFACE.

THE profession of law is the goal towards which a large proportion of the ambitious youth of this and other lands has ever set its face. The liberal financial returns the law affords the successful practitioner, the opportunities it extends to him for useful public service, the social prestige accorded by every community to him who honorably follows this high and honorable calling, these are incentives which have in almost all times and countries moved so great a number of intellectual and aspiring young men to enter this most exacting of all vocations. Particularly is this applicable to our own country. The oft-repeated declaration that "the profession of the law is overcrowded" does not seemingly deter any of our ambitious American youths. There are to-day eight thousand students in attendance at the various law schools throughout the United States; and perhaps as many more young men are seeking to fit themselves for the profession while serving as clerks in busy law-offices. I venture to say that there is scarcely a town or hamlet in the United States that does not contain at least one such aspiring youth.

It is the hope of the author that the present work will be of interest and service not only to students, but also to the innumerable throng of lads who hope some day to become lawyers. The work should interest, too, those parents whose sons will soon be called upon to select a profession, and also the practising lawyers throughout the country and the general public.

Not the least valuable portion of the work should be that which contains the biographies of the successful practitioners of the present day. For, however interesting may be the account of the lives and training of the great lawyers of the past, the most useful and I believe interesting part of the present work will be the life-stories of the men who to-day are recognized by their fellow-practitioners and the general public as the representative successful lawyers of the cities in which they respectively practise.

In considering what names should be selected for this purpose the author has been assisted, in many cases, by the advice of the judges in the respective localities of the lawyers whose biographies are presented.

For the many faults of omission and commission that may be found in the work the author would most abjectly crave the pardon of all his critics ; resting his defense only on the fact that the work was written in those leisure hours that could be spared from the duties of an active law practice.

41 WALL STREET, NEW YORK,

June 10, 1896.

In connection with the remark, in the above preface, concerning the opportunities for public service and the social prestige accorded to American practitioners of ability and unquestioned integrity, it may be well to note here the fact, shown by statistics, that seventy-five per cent. of the men in public life in the United States to-day are lawyers by profession, and to refer to De Tocqueville's remark, "If I were asked where I place the American Aristocracy, I should reply without hesitation that it occupies the judicial bench and bar."

Lawyer Jefferson wrote the Declaration of Independence. Lawyer Hamilton was one of its foremost sponsors and the founder of our present financial system. Of its fifty-six signers twenty-seven were lawyers. Lawyer Lincoln wrote the Proclamation of Emancipation ; and nineteen of the twenty-three Presidents of the United States have been lawyers.

“THE Law! It has honored us. May we honor it.”

DANIEL WEBSTER.

“THE Law! There’s nothing else to love in all the world.”

RUFUS CHOATE.

“IN general I have no patience with people who talk about ‘the thoughtlessness of youth’ indulgently; I had infinitely rather hear of thoughtless old age and the indulgence due to that. When a man has done his work, and nothing can in any way be materially altered in his fate, let him forget his toil, and jest with his fate, if he will; but what excuse can you find for wilfulness of thought at the very time when every crisis of fortune hangs on your decisions? A youth thoughtless, when all the happiness of his home for ever depends on the chances or the passions of an hour! A youth thoughtless, when the career of all his days depends on the opportunity of a moment! A youth thoughtless, when his every action is a foundation-stone of future conduct, and every imagination a fountain of life or death! Be thoughtless in any after years rather than now — though, indeed, there is only one place where a man may be nobly thoughtless, his death-bed. Nothing should ever be left to be done there.”

RUSKIN.

“FOR of all sad words of tongue or pen,
The saddest are these, ‘It might have been.’”

WHITTIER.

“THE man of fair abilities, sufficient to have insured him a satisfactory if not a brilliant success, and willing to do the work that is necessary in order to make the most of himself, not infrequently fails to achieve much at the bar. And it has seemed to me that the reason is generally to be found in the lack of the mental discipline and the true foundation of legal knowledge, which must be acquired, if at all, in early life and in educational studies. The want of these is rarely overcome. He who sets out in the wrong direction is likely to get further away from his course the longer he travels. The building that is erected upon an incomplete and insecure foundation, however it may be elaborated and wrought over in its upper stories, is never strong or permanent. When the rains descend, and the floods come, it will be seen to be founded upon the sand.”

HON. EDWARD J. PHELPS,
Professor of Law in Yale University.

HOW SUCCESSFUL LAWYERS WERE EDUCATED.

PART I.

"HE who is not a good lawyer when he comes to the bar will seldom be a good one afterwards." It is the object of the author to present such advice and suggestions as will assist the student to a right solution of the questions: "What books shall I read preparatory to my legal studies proper?" "What qualities of mind and character shall I cultivate?" "What law-school shall I enter?" "When shall I enter an office, and what office shall I connect myself with?" "Should I desire to make a specialty of some branch of the law, what preliminary studies shall I take up to fit myself for it?" "What has been said on these subjects by the great lawyers of the past and the successful lawyers of the present day?" "What other aids and suggestions can I possibly obtain that may help me in my purpose to become absolutely as good a lawyer and as successful a practitioner as my native ability will permit me to become?"

There can be no doubt that the best preliminary education for the law student is to be secured in the ordinary undergraduate college course. The duties of the lawyer are so varied, the stock of knowledge

from which he is constantly called upon to draw is so comprehensive, that the foundation of his acquirements must be broad and deep. Nor is it advisable that the student in college devote himself especially to those subjects that he deems to have a particular bearing on his future profession. The object of a college education is preparation for life itself, not for any one vocation.

But there are many bright youths, ambitious to become lawyers and to excel in their profession, who have not been and will not be able to attend any college. Assuming that these youths desire to compensate to some degree for their lack of opportunity, the author has outlined for their guidance a course of study which, while particularly adapted to the requirements of the law student, may also go far as a substitute for the regular college curriculum. It may be of interest also to college students and graduates who are studying or who intend to study law, and who desire to take up a course of reading along the lines of their chosen profession.

It should be borne in mind that these studies are valuable not merely for their subject-matter, but also for the qualities of mind and habits of thought which a close application to them instills. These qualities are memory, the power of application, close reasoning, precision, conciseness and energy of expression, the habit and method of independent investigation. The possession, in some degree at least, of these qualities, together with common sense and a knowledge of men and their motives, is essential in the make-up of a successful lawyer.

Referring to the faculty of memory, Lord Chief Justice Coleridge during a visit to America said, in an address at Haverford College: "Speaking as an

old lawyer especially, I may say that few things compare with a retentive, accurate memory. It is in youth that this faculty is formed and trained, and one of the best methods of strengthening it is the habit of learning by heart passages from authors in prose and verse that we admire. When you get into professional or active life you will come home tired, with very little inclination to study. Hence the importance of doing that work now."

And on the same topic William Wirt, one of America's greatest lawyers, has spoken as follows: "Old-fashioned economists will tell you never to pass an old nail, or an old horseshoe or buckle, or even a pin, without taking it up; because, although you may not want it now, you will find a use for it some time or other. I say the same thing to you with regard to knowledge. However useless it may appear to you at the moment, seize upon all that is fairly within your reach: for there is not a fact within the whole circle of human observation, nor even a fugitive anecdote that you read in a newspaper, that will not come into play at some time or another; and occasions will arise when they involuntarily present their dim shadows, in the train of your thinking and reasoning, as belonging to that train, and you will regret that you cannot recall them more distinctly."

It has been said that "the life of all study is method; next to which is a judicious selection of the various sources of knowledge."

"Thus useful arms in magazines we place,
All ranged in order and disposed in grace;
Nor thus alone the curious eye to please,
But to be found, when need requires, with ease."

And whatever is said of method in the student's preliminary course applies with even greater force to the study of the law itself.

By method in study is meant that the student must not read a little on one subject to-day and a little on another subject to-morrow. He must take up each study methodically, examining it in all its phases, possessing himself in the beginning, however, with a bird's eye view of the entire subject. He may relieve the tediousness resulting from too continuous attention to one topic by arranging his studies in alternate and regular order as to time of study. This will prove a more congenial method than would be that of the exhaustive and exclusive consideration of a single subject.

He should remember that the widely-read man is not necessarily the well-read man; that, particularly at the outset of his studies, a good maxim to observe is, "*Multum legendum non multa*;" and another, "Beware of the lawyer of one book." Chancellor Kent was once asked by a young student what made him a great lawyer. The judge replied, "Lack of books." Rufus Choate, in his time the leader of the American bar, said, in advising students in his law office, "Desultory reading is waste of life;" and Professor Edward J. Phelps, of Yale Law School, once asked one of the leaders of the Connecticut bar how it came to pass that the lawyers who framed the United States Constitution had obtained such a mastery of legal principles and such a clearness in the expression of them as there displayed. The reply was, "Why, they had so few books." Professor Phelps says on this subject, "'Beware of the lawyer of few books, wisely chosen and entirely understood,' is a good adaptation of the proverb. I would regard mental discipline, habits of thought, and the learning how to think clearly, accurately and with the confidence that can only come from a sure foundation, as

far more important than the premature accumulation of much knowledge. This would leave a good deal for future acquisition; but the deficiency would be more than compensated by the enlarged faculty of acquisition, and the effectual planting, broad and strong, of the foundations upon which alone can learning and scholarship usefully repose in practical life." Sydney Smith was of the opinion that it were better to be "ignorant of a great number of things in order to avoid the calamity of being ignorant of everything." "I would exact of a young man," says he, "a pledge that he would never read Lope de Vega; he should pawn to me his honor to abstain from Bettinelli and his thirty-five original sonneteers; and I would exact from him the most rigid securities that I was never to hear anything about that race of penny poets who lived in the reigns of Cosmo and Lorenzo di Medici."

The student should utilize all those short intervals or odds and ends of time which abound in even the most methodical of lives. They will be fewer in number, however, if he observes the foregoing rule as to method of work and study.

"Lost yesterday, somewhere between sunrise and sunset, two golden hours, each set with sixty diamond minutes. No reward is offered, as they are gone forever."—Horace Mann.

"Dost thou love life? Then do not squander time, for that is the stuff life is made of."—Franklin.

As to the method of study to be observed by the law student when he enters upon his law studies proper the same observations may be made, with this in addition. The nature of the work of the young lawyer is such that it is often desultory and broken in upon by many interruptions. He should there-

fore at each sitting recur to any unsettled question, so that the outcome of his studies will be knowledge that is definite and tangible. William Wright in his *Advice on the Study and Practice of the Law* (1824) says: "Men who read for amusement or instruction on general topics may read as they please and acquire information. It is not necessary for such purposes critically to weigh sentence after sentence; and, when amusement is the object, to cast the eye over the page may be sufficient. But, where knowledge is to be acquired which depends upon the construction of words and an accurate idea of scientific terms, the student must advance with patience and resolution proportionate to his understanding. Books which every man reads may be perused as a newspaper; but such as contain information of an abstruse nature, requisite to be permanently impressed on the mind, must be repeatedly read and with minute attention."

Daniel Webster was throughout his life a methodical reader. Speaking of his student days he once said, "Many other students read more than I did, but so much as I read I made my own. When a half hour or an hour at most had elapsed, I closed my book and thought on what I had read. If there was anything peculiarly interesting or striking in the passage I endeavored to recall it, and lay it up in my memory, and commonly could effect my object."

In the *Memoirs of Sir T. F. Buxton* we read that Sir Edward Sugden thus explained to Sir Thomas Buxton the cause of his great success as a lawyer: "I resolved, when beginning to read law, to make everything I acquired perfectly my own, and never to go to a second thing till I had entirely accom-

plished the first. Many of my competitors read as much in a day as I read in a week, but at the end of the twelve months my knowledge was as fresh as as on the day it was acquired, while theirs had glided away from their recollection."

Rufus Choate said, "Devote six hours a day to study: four to study proper and two to lucubration and legal talk. This is amply sufficient. The mind burdened loses its memory and originality and alacrity."

In speaking of the power of concentration and application, John C. Calhoun once said: "I early subjected my mind to such a rigid course of discipline, and have persisted without faltering, until I early acquired a perfect control over it. I can now confine it to any subject as long as I please without wandering for a moment. It has been my uniform habit, when out alone to walk or ride, to select a subject for reflection, and I never suffer my attention to wander from it until I am satisfied with its examination." And on the same topic, Rufus Choate said that in every important case he undertook, his mind became a stream that took up the cause like a ship, and bore it on, night and day, till the verdict or a judgment was reached. William Wirt once said of Chief-Justice Marshall: "Here is John Marshall, whose mind seems to be little else than a mountain of barren and stupendous rocks: an inexhaustible quarry from which he draws his materials and builds his fabrics, rude and Gothic, but of such strength that neither time nor strength can beat them down: a fellow who would not turn off a single step from the right line of his argument though a paradise should rise to tempt him."

A good plan in the study of any subject is to

read over the text twice, underlining all those sentences or clauses that appear to be of especial importance; which underlined clauses, when read over in review, will constitute in themselves a digest or skeleton of the entire subject. No text should be read more than twice. The real study of a subject takes place when the student, after reading the text, closes his book and carefully considers the matter he has been reading, in all its phases and relations. Rufus Choate's advice to young lawyers was this: "Take," said he, "a reported case, read the marginal statement and get at the facts, shut the book, and study out what should be the law, write out the decision, and then compare with the decision of the court. This to improve the powers of reasoning."

Before commencing to read a book always peruse carefully the preface and table of contents. By this method you will secure an accurate idea of the purpose and plan of the author, which is always a great help, and you will also secure a preview of the entire work, which is a valuable aid to a complete comprehension of the subject-matter.

Never read when the eyes are wearied or the mind jaded by continuous application to study.

Whatever the subject of study is, have constantly within easy reach a dictionary to refer to when a word or term arises the meaning or derivation of which you are not entirely familiar with.

The study of the law differs from that of some other subjects, in this: that its end cannot be accomplished by merely memorizing words. Its object is the acquisition of principles. When the student acquires a thorough knowledge of the principles of his subject he has mastered the text. If he merely memorizes words the text has mastered him. And

when, sooner or later, the words of the text escape him, he is helpless without them. Nor should he regard an illustration of a principle as a definition of the principle itself.

Another important and valuable habit is that of reviewing. Says the great teacher Wyttenbach on this subject: "The practice of reviewing will have an incredible effect in assisting your progress; but it must be a real and thorough review; that is, it must be again and again repeated. What I choose is this: that every day the task of the preceding day should be reviewed; at the end of every week, the task of the week; at the end of every month, the studies of the month; in addition to which the whole course should be gone over again and again during the vacation."

In the following paragraphs, I have indicated among other things a course of study preliminary to or parallel with the study of the law proper, together with the best text-books and works of reference on the subjects mentioned. It is assumed that the expectant law student has already acquired the ordinary common-school education.

English Composition, Literature and Rhetoric. In this subject the student should aim to acquire a clear, simple and attractive style; using but few words, apt and precise in meaning. This he will acquire by practice in writing essays and by participation in the exercises of some active debating society. He should also pay considerable attention to elocution, thereby eliminating all natural awkwardness, defective enunciation and mannerism.

The following poem by Justice Story, one of the greatest jurists America has produced, suggests Hamlet's Advice to the Players. It should be read

and reread by every student who desires to excel in forensic oratory :

“ Be brief, be pointed ; let your matter stand
Lucid in order, solid, and at hand ;
Spend not your words on trifles, but condense:
Strike with the mass of thoughts, not drops of sense ;
Press to the close with vigor, once begun,
And leave—how hard the task !—leave off when done.
Who draws a labor’d length of reasoning out
Puts straws in lines for winds to whirl about ;
Who draws a tedious tale of learning o’er
Counts but the sands on ocean’s boundless shore ;
Victory in law is gained, as battles fought,
Not by the numbers but the forces brought.
What boots success, in skirmish or in fray,
If rout or ruin following close the day ?
What worth a hundred posts maintained with skill,
If, all these held, the foe is victor still ?
He who would win his cause with power must frame
Points of support, and look with steady aim ;
Attack the weak, defend the strong with art :
Strike but few blows, but strike them to the heart ;
All scattered fires but end in smoke and noise,
The scorn of men, the idle play of boys.

Keep, then, this first great precept ever near :
Short be your speech, your matter strong and clear ;
Earnest your manner, warm and rich your style,
Severe in taste, yet full of grace the while ;
So you may reach the loftiest heights of fame,
And leave, when life is past, a deathless name.”

It would be difficult to over-estimate the importance to the advocate of a pleasing and attractive, and at the same time convincing style of public discourse. Henry Clay, at the age of twenty-seven began the habit, which he continued for years, of perusing and speaking upon some historical or scientific book. “ These off-hand efforts,” he says, “ were made sometimes in a cornfield, at others in the forest, and not infrequently in some distant barn, with the horse and ox for my auditors. It is to this early

practice in the great art of all arts that I am indebted for the primary and leading impulse that stimulated me forward, and shaped and moulded my subsequent destiny."

"Let not a day pass, young men, without increasing your powers of public speech. There is no power like that of oratory. Cæsar controlled men by exciting their fears; Cicero by capturing their affections and swaying their passions. The influence of the one perished with its author; that of the other continues to this day."

Lord Chesterfield had been requested to promote the adoption by the British Parliament of the Gregorian calendar for England. "And then," he says, "my difficulty began. I was to bring in this bill, which was necessarily composed of law jargon and astronomical calculations, to both of which I am an utter stranger. However, it was absolutely necessary to make the House of Lords think I knew something of the matter; and I also had to make them believe that they knew something of it themselves, which they did not. For my own part, I could just as soon have talked Celtic or Slavonian to them as astronomy, and they could have understood me just as well; so I resolved to do better than speak to the purpose, and to please instead of inform them. I was particularly attentive to the choice of my words, to the harmony and roundness of my periods, to my elocution, to my action. They thought I was informed because I pleased them; and many of them said that I had made the whole very clear to them, when I had not even attempted it. Lord Macclesfield, who had the greatest share in framing the bill, and who is one of the greatest mathematicians in Europe, spoke afterwards with infinite knowledge

and all the clearness that so intricate a matter would admit of ; but as his words, his periods and his utterances were not nearly so good as mine the preference was most unanimously, though unjustly, given to me." This estimate by Chesterfield of the power of oratory, though an extremely exaggerated estimate, and his opinion of his own powers of rhetoric, though characteristically egotistic, will serve nevertheless as an illustration of how immensely valuable to the lawyer is the ability to speak fluently and eloquently on any subject that he may have occasion to discuss in public.

In a letter to his son, then a student in Amherst College, Rufus Choate said : " I hope that you will from the start cultivate elocution. The power of speaking with grace and energy—the power of using aright the best words of our noble language—is itself a fortune and a reputation—if it is associated and enriched by knowledge and sense. I would, therefore, give especial attention to all that is required of you in this department. But not one study prescribed by the government is to be neglected." And on another occasion the same great jurist said : " Deliberative eloquence, in its highest forms and noblest exertion, is the utterance of men of genius—practised, earnest and sincere, according to a rule of art—in presence of large assemblies, in great conjuncture of public affairs, to persuade a people."

Simplicity in diction and oratorical style is a strong weapon in addressing the court or jury. A distinguished judge once told this story of Justice Parsons. " When Parsons was a young lawyer he was retained to argue an important case in a Maine court. He was unknown to the people and even to the lawyers. I had heard of him as a rising man,

and was drawn to the court room by curiosity to learn the secret of his power. Parsons began his plea by putting one foot in a chair. Then leaning one elbow on his knee he talked to the jury as a man would tell a story at his fireside. Pretty soon I thought I understood him. He was winding the jury round his fingers. He made no show. He treated the case as if it were a very simple affair, of which the conclusion was obvious and inevitable; and he did not take long. He got a verdict at once; and after the jury were dismissed, one of them, whom I happened to know, came to me and said: "Who is this Mr. Parsons? He is n't much of a lawyer, and does n't talk or look as if he ever would be one; but he seems to be a good sort of a man."

A familiar acquaintance with the priceless treasures of English literature, with the characters painted by its novelists, with the philosophical narrations and thrilling descriptions by its historians, with the sweet songs of its poets, with all the riches that have been contributed to our literature by the master minds of the mother country and of our own, this is a possession which he who hopes one day to be a great lawyer in the true sense of the word cannot afford to lack. The biographer of Rufus Choate says: "Literature to Choate was of direct service in a double way. It quickened his fancy and ingenuity, and enlarged his mind, without taking from him the power to narrow down its proportions again to legal dimensions, and was also of essential service as a mental relaxation and pastime."

On the subjects of English Composition and Rhetoric, Elocution, and English Language, the following named books are recommended by the

author. The Knickerbocker Publishing Company, of 14 Vesey Street, New York City, has agreed to furnish any of the books recommended in this volume at the regular publishers' prices (which are here given after each title) on receipt by mail of a postoffice Order, or check to the order of Knickerbocker Publishing Co., 14 Vesey Street, New York.

Bain's *Rhetoric*, \$1 50; or Genung's *Practical Elements of Rhetoric*, \$1 25; or E. T. Channing's *Oratory and Rhetoric*, 75 cts.; Skeat's *Principles of English Etymology*, \$2 25; Trench's *Study of Words*, \$1 00; Brown's *Common Words and Phrases*, \$1 50; Graham's *Synonyms*, \$1 20; or Soule's *Synonyms*, \$1 00; *The Cultivation of the Speaking Voice*, 60 cts.; Cushing's *Manual*, 75 cts.; Robinson's *Forensic Oratory*, \$2 50; Hardwick's *Art of Winning Cases*, \$5 00.

Latin. In some of the States a more or less extensive acquaintance with Latin is an essential in order to admission to the law schools and to the Bar. But even in those States where it does not prevail it would be wise for the student entirely ignorant of Latin to acquire, before beginning his law studies, a knowledge of the various Latin phrases that repeatedly occur in the text books. For this purpose an excellent work is Taylor's *Law Glossary*, published at \$4 00. An admirable book for the study of the language itself is Harkness' *Complete Latin Course*, \$1 30. These books and any other books recommended in this volume will be supplied by the Knickerbocker Publishing Co., 14 Vesey Street, New York, on receipt of a mail order, enclosing check or postoffice money order.

As a necessary foundation for the study of the law no single book is equal to the Bible; that album of biographies of soldiers and statesmen, prophets

and patriarchs, kings and judges and lawyers. For the Bible is not only a revelation of the nature of God ; it is also an accurate portrayal of the nature of man, of the motives and principles which guide and govern, and ever since human history was recorded have guided and governed, man in all the relations of life. The nearer one approaches to a full comprehension of this Book of books the nearer will he come to a complete insight into human nature.

A familiar knowledge of the Scriptures is particularly useful to the student of law because of the light thrown upon many of the important subjects of the jurisprudence of to-day : such subjects as the origin of society and nature of government ; the nature of property and the obligations of an oath ; marriage and divorce ; the relation of husband and wife, parent and child, master and servant ; the nature and punishment of crimes ; the alienation of property ; the acquisition of property by inheritance and by bequest.

Dr. Campbell in his *Lectures on Ecclesiastical History* says : " When we consider attentively the institutes of Moses we perceive that they comprehend everything necessary for forming a civil establishment ; not only precepts regarding the morals of the people, and the public and private offices of religion, but also laws of jurisprudence : such as regulate the formalities of private contracts, inheritance, succession and purchases ; such as fix the limits of jurisdiction and subordination of judicatories, appoint the method of procedure in trials, both civil and criminal, and punishments to be awarded by the judges to the several crimes. I may add that they comprehend also a sort of law of nations, for the use of that people in adjusting the terms of their intercourse

with other states and kingdoms, prescribing rules for the making and conducting of war and peace, entering into treaties and the like."

The fact is that, in every country and in all ages, the greatest lawyers have been well versed in the Scriptures, and their arguments have been enriched with illustrations drawn from this source. The speeches of Lord Erskine are a notable example of this.

A distinguished English lawyer, who during his career was remarkably successful in training law students, used invariably to have each student at the commencement of his studies take up a systematic course of reading and analysis of the Bible. His opinion was that "there is nothing else in any language for the development of mind."

Of Daniel Webster a writer says: "While a mere lad he read with such power and expression that the passing teamsters, who stopped to water their horses, used to get 'Webster's boy' to come out beneath the shade of the trees and read the Bible to them. Those who heard Mr. Webster in later life recite passages from the Hebrew prophets and Psalms say that he held them spellbound, while each passage, even the most familiar, came home to them in a new meaning. One gentleman says that he never received such ideas of the majesty of God and the dignity of man as he did one clear night when Webster, standing in the open air, recited the Eighth Psalm. Webster's mother observed another old fashion of New England in training her son. She encouraged him to memorize such Scriptural passages as impressed him. The boy's retentive memory, and his sensitiveness to Bible metaphors and to the rhythm of the English version, stored his mind with Scripture. On one

occasion the teacher of the district school offered a jack-knife to the boy who should recite the greatest number of verses from the Bible. When Webster's turn came he arose and reeled off so many verses that the master was forced to cry 'Enough.' It was his delight in the idioms and music of King James' version that made him the 'Biblical Concordance of the Senate.' But it made him more than a 'concordance.' The Hebrew prophets inspired him to eloquent utterances. He listened to them until their vocabulary and idioms, as expressed in King James' translation, became his mother tongue. The young man who would be a writer that shall be read, or an orator whom people will hear, should study the English Bible."

Sir William Jones truly says that "the Scriptures contain, independent of a divine origin, more true sublimity, more exquisite beauty, purer morality, more important history, and finer strains both of poetry and eloquence than could be collected within the same compass from all the books that were ever composed in any age or in any idiom. The antiquity of these compositions no man doubts, and the application of them to events long subsequent to their publication is a solid ground of belief that they are inspired."

Senator B. W. Leigh, of Virginia, in his day one of the leaders of the American bar, says, in a letter of advice on the study of the law, "I speak of the Bible as a book which it behooves every lawyer to make himself thoroughly familiar with. It is the code of ethics of every Christian country on the globe, and tends above all other books to elucidate the spirit of laws throughout the Christian world. It is in fact a part of the practical law of every

Christian nation, whether recognized as such or not."

Charles Dudley Warner, in "*Harper's Monthly*," writes this, concerning the study of the Bible: "The ignorance of the Bible among students in our public schools and colleges furnishes a curious illustration of the inadequacy of our educational machine to meet the requirements of life. Wholly apart from its religious or from its ethical value, the Bible is the one book that no intelligent person who wishes to come into contact with the world of thought and to share the ideas of the great minds of the Christian era can afford to be ignorant of. All modern literature and all art are permeated with it. There is scarcely a work in the language that can be fully understood and enjoyed without this knowledge, so full is it of allusions and illustrations from the Bible. This is true of fiction, of poetry, of economic and philosophic works, and also of the scientific and even agnostic treatises. It is not at all a question of religion, or theology, or of dogma; it is a question of general intelligence. A boy or girl at college, in the presence of the works set for either to master, without a fair knowledge of the Bible is an ignoramus, and is disadvantaged accordingly."

The following books are recommended for the study of the Bible. They can be had at publishers' prices by sending P. O. money order or check to the Knickerbocker Publishing Co., of 14 Vesey Street, New York:

Geikie's *Hours With the Bible*, 6 vols., \$7 50;
Hon. Wm. E. Gladstone's *Impregnable Rock of Holy Scripture*, \$1; *A Lawyer's Examination of the Bible*, \$1;
Greenleaf's *Testimony of the Evangelists*, \$4 50; Mendlesohn's *Jurisprudence of the Ancient Hebrews*, \$2 50.

History. English and American History and the Constitutional and Institutional History of England and the United States. A firm grasp of the principles of these subjects is absolutely essential in the equipment of any lawyer who aspires to rank above the pettifoggers. And in my opinion the student who desires to secure a knowledge of these principles cannot do better than take up the course of reading outlined below. Each book there mentioned should not only be read but thoroughly mastered.

For a knowledge of the history of the United States and of England is valuable to the student, not merely because it imparts a knowledge of the ever glorious Anglo-Saxon race, but because it also presents a picture of the evolution of a people, rather than a recital of the personal careers and more or less vicious lives of emperors and sultans with their attendant courtiers and courtesans.

Amos' *Science of Law*, \$1 75; Anthon's *Law Student*, \$3 50; Dole's *Talks About Law*, \$2 50; Montesquieu's *Spirit of Law*, 2 Vols., \$4; Maine's *History of Early Institutions*, \$3 50; Maine's *Ancient Law*, \$2 75; Guizot's *History of Civilization*, with notes by Prof. Henry of New York University, \$1 20; Maine's *Village Communities*, \$3 50; Hallam's *Middle Ages*, \$2; Hadley's *Lectures on Roman Law*, \$1 30; Daly's *Common Law*, \$1; Pollock's *History of English Law*, 2 Vols. \$9; Green's *Short History of the English People*, \$1 20; Hallam's *Constitutional History of England*, \$2; Higginson's *History of the United States*, \$3 50; E. Benjamin Andrew's *History of the United States*, \$4; Cooley's *Elements of Constitutional Law*, \$3; Story on *The Constitution of the United States*, 2 Vols, \$12, or Schouler's *History of the United States under*

the Constitution, \$11 25, or Mr. Justice Miller's *Lectures on the Constitution of the United States*, \$5; Broom's *Legal Maxims*, \$6 50, or Wharton's *Legal Maxims*, \$3, or Peloubet's *Legal Maxims*, \$2, or Morgan's *Legal Maxims*, \$2 50.

To the student who desires to make an especial study of Political Science the following works will be of value :

Lieber's *Civil Liberty and Self-Government* ; Mac-Intosh *On the Law of Nature and of Nations* ; J. S. Mill *On Liberty and On Representative Government* ; J. C. Calhoun *On Government* ; Nash's *Morality and the State* ; Mulford's *The Nation* ; Bryce's *American Commonwealth* ; De Tocqueville's *Democracy in America* ; *The Federalist* ; Elliott's *Debates on the Adoption of the Federal Constitution in the Several State Conventions* ; G. T. Curtis' *Origin of the Constitution of the United States* ; Marshall's *Decisions of Cases Involving the Interpretation of the United States Constitution* ; *Life of Thomas Jefferson, with Memoirs, Correspondence and Miscellanies* ; *Life and Works of Alexander Hamilton* ; Sullivan's *Letters on Public Characters* ; Dwight's *Character of Jefferson as shown by his writings* ; Dwight's *History of the Hartford Convention* ; *Life and Speeches of Daniel Webster* ; *Life and Speeches of John C. Calhoun* ; Van Buren's *History of Political Parties in the United States* ; T. H. Benton's *Thirty Years' View of the United States Government* ; Buchanan's *President Buchanan's Administration* ; Hastings's *Ancient American Politics* ; *Life of Thomas Jefferson in the American Statesmen Series* ; *Life of Henry Clay in the same series* ; Blaine's *Twenty Years in Congress* ; Johnston's *American Politics*.

To students of New York State Politics these books will be of interest :

Hallam's *New York Politics*; Bigelow's *Speeches of Samuel Tilden*; *Life of Horatio Seymour*.

Other valuable works on Political History and Political Science are:

Bagehot's *English Constitution*; Creasy's *Rise and Progress of the English Constitution*; Lord John Russell's *English Government and Constitution*; De Lolme's *Constitution of England*; Burke's *Reflections on the Revolution in France*; Mackintosh's *Vindiciæ Gallicæ*; Guizot's *History of the English Revolution and Causes of Success of the English Revolution of 1640 and 1688*.

Political Economy. A knowledge of the elements, at least, of the science of national wealth, in their latest developments and applications, is of vital importance to the lawyer. An admirable work on the subject is Professor Laughlin's edition of *Mill's Principles of Political Economy*, published at \$3 50. It can be had by sending a letter enclosing Post-office money order or check to the Knickerbocker Publishing Co., of 14 Vesey St., New York.

For a more extensive study of the subject the student should read Adam Smith's *Wealth of Nations*; and the works on political economy of Ricardo, Senior, Whately, Fawcett and McCulloch, together with Carey's *Essays* and Bastiat's *Popular Fallacies*; Bowen's *Political Economy* and *American Political Economy*; Perry's *Elements of Political Economy* and President Walker's *Political Economy*.

Logic. A short course in this subject, whereby the student will become acquainted with the outlines of scholastic logic and with the terms employed in the science of mental philosophy, will be of especial value. For this purpose Professor Alexander Bain's *Logic* is as good a text-book as any other published on the subject. It is issued at \$2, and can be had by

sending P. O. money order or check to the Knickerbocker Publishing Co., 14 Vesey St., New York.

Ethics. Some knowledge of the Science of Ethics should be possessed by the student, and there is no better work on this subject than Calderwood's *Ethics*, \$1 50. Sharswood's *Legal Ethics*, \$1 50, should also be read. Both of these books can be secured by mail order from the Knickerbocker Publishing Co., 14 Vesey St., New York.

Elements of International Law. In the principles of this science, year by year becoming a more important one, the law student should be well grounded. This subject is especially important in this country, where the will of the people determines in the last analysis our policies regarding our relations with foreign states; and where the practice of diplomacy is not delegated to a select few, constituting a distinct class and pursuing it as a vocation, but where the opinion of every citizen is a determining force in that great resultant which we call the law of the land or our national policy. In the study of this subject (see note on page 24) I would strongly recommend as a guide Woolsey's *International Law*, the well-known work of Yale's greatest President, Dr. Woolsey. It is published at \$2 50. Other valuable works on this subject are: Wheaton's *International Law*, \$8 50, and Tucker's *The Monroe Doctrine*, \$2 25.

The more ambitious students in this subject should also read: Bemis' *Precedents of American Neutrality* and *Hasty Recognition of Rebel Belligerency*; *Letters on International Law* by "Historicus"; Bernard's *British Neutrality*.

Blackstone's Commentaries. Ever since its publication it has been recognized that, for the acquisition of those prime principles which are the very

foundation of the law of this country and of England, there is nothing that can compare with the *Commentaries* of Sir William Blackstone. Hence it is that this is invariably the first work placed in the hands of the student of law. There have been published many American editions of Blackstone's *Commentaries*, of which I would recommend the following: *Chase's* edition, \$6.00; *Cooley's* edition, 2 vols., \$10.00; *Sharswood's* edition, 2 vols., \$10.00; *Hammond's* edition, 2 vols., \$10.00.

Fiction. In the works of many of the great novelists is to be found much that will not only be of peculiar interest to the law student but will also shed some light on many of the principles of the common law. Blackstone and Sir Walter Scott were almost, if not quite, contemporaneous; and many of Blackstone's principles of law are illustrated and illumined by Scott's exposition of those ancient customs which are the soul and essence of the law. Thus the word "blackmail," which occurs frequently in Blackstone, is constantly brought to mind in reading the works of Scott, as for instance in the introduction to *Rob Roy* and in *Waverley*. In fact throughout Scott's novels occur many interesting and instructive references to law terms and practice. For a vivid picture of a court trial in Scotland the student should read the trial of Effie Deans for child murder in *The Heart of Midlothian*. Equally interesting, though perhaps not as instructive, is Dickens' *Pickwick*, in which are depicted many phases of the machinery of the law, including character sketches of judges, barristers, clerks, beadles and constables. See also the character of Mr. Tulkinghorn in *Bleak House*.

Other works of fiction in which law students

have been especially interested are: Warren's *Adventures of an Attorney in Search of Practice*; Warren's *Ten Thousand a Year*; Reade's *Hard Cash*; Reade's *A Terrible Temptation*; Haggard's *Mr. Meeson's Will*; George Eliot's *Felix Holt, the Radical*; Lord Bulwer's *Paul Clifford*.

There is another class of books that have always been of interest to law students and lawyers, and which may be grouped under the heading of Legal Recreations. In this group are: Davis' *The Law in Shakespeare*, \$2.50; Heard's *Shakespeare As a Lawyer*, \$1.50; Campbell's *Shakespeare's Legal Acquirements*, \$1.00; Roger's *Law of the Road*, \$1.50; Roger's *Law of Hotel Life*, \$1.50; *Remarkable Trials with Speeches*, 2 vols., \$9.00; Proffat's *Curiosities and Law of Wills*, \$1.50; Paget's *Judicial Puzzles*, \$1.50; *Curiosities of Law and Lawyers*, \$3.00; Baldwin's *Flush Times*, \$1.50; *Comic Blackstone*, \$3.00; Heard's *Curiosities and Oddities of Law*, \$1.50; Jefferson's *Pleasantries of English Courts and Lawyers*, \$1.50; Browne's *Humorous Phases of the Law*, \$1.50; Crooke's *Lyrics of the Law*, \$1.50; Crooke's *Poems of the Law*, \$1.50.

Many and high are the obstacles that the law student must surmount in the path that leads to the temple of fame and professional glory. But, with integrity, ability and perseverance as his possessions, surmount them he surely will. Of this last faculty, perseverance, J. G. Holland (Timothy Titcomb) says: "It is well that all young men remember that nothing will do them so much injury as quick and easy success, and that nothing will do them so much good as a struggle which teaches them exactly what is in them, educates them gradually to its use, instructs them in personal economy, drills them into a patient

and persistent habit of work, and keeps them at the foot of the ladder until they become strong enough to hold every step they are enabled to gain. The first years of every man's business or professional life are years of education. They are intended to be, in the order of nature and providence. Doors do not open to a man until he is prepared to enter them. We think it is the experience of most successful men, who have watched the course of their lives in retrospect, that whenever they have arrived at a point where they were thoroughly prepared to go up higher the door to a higher place has swung back of itself and they have heard the call to enter. The old die, or voluntarily retire for rest. The best men who stand ready to take their places will succeed to their honors and emoluments. It is related of Webster that, when a young lawyer suggested to him that the profession to which he had devoted himself was overcrowded, the great man replied, 'Young man, there is always room at the top.' Never was a wiser or more suggestive word said. There undoubtedly always is room enough where excellence lives. Webster was not troubled for lack of room. Neither Clay nor Calhoun was ever crowded.

"The young men will say that only a few can reach the top. That is true; but it is also true that the further from the bottom one goes the more scattering the neighborhood. One can fancy, for illustration, that every profession and every calling is pyramidal in its living constituency, and that, while only one man is at the top, there are several tiers of men below him who have plenty of elbow room. If a man has no power to get out of the rabble at the bottom then he is self-convicted of having chosen a calling or profession to whose duties he has no adaptation.

“The grand mistake that young men make during the first ten years of their business and professional life is in idly waiting for their chance. They seem to forget, or they do not know, that during those ten years they enjoy the only leisure they will ever have. After ten years, in the natural course of things, they will be absolutely busy. There will then be no time for reading, culture and study. If they do not become thoroughly grounded in the principles and practical details of their profession during those years; if they do not store their minds with useful knowledge; if they do not pursue habits of reading and observation and social intercourse which result in culture, the question whether they will ever rise to occupy a place where there is room enough for them will be decided in the negative. The young physicians and the young lawyers who sit idly in their offices and smoke and lounge away the time, ‘waiting for something to turn up,’ are by that course fastening themselves for life to the lower stratum, where their struggle for a bare livelihood is to be perpetual. The first ten years are golden years, that should be filled with systematic reading and observation. Everything that tends to professional and personal excellence should be an object of daily pursuit. To such men the doors of success open of themselves at last. Work seeks the best hands as naturally as water runs down hill, and it never seeks the hands of a trifle, or one whose only recommendation for work is that he needs it. Young men do not know very much any way, and the time always comes, to those who become worthy, when they look back with wonder upon their early good opinion of their acquirements and themselves.”

Thomas Erskine, shortly after he had been ad-

mitted to the bar, was riding one day on Hounslow Heath when, turning suddenly to his companion, he said, "The time will come when I shall be Lord Chancellor of England, and the Star of the Thistle shall blaze on my bosom." Both of these prophecies were fulfilled.

Speaking of perseverance and industry William Wirt once said, "Take it for granted that there is no excellence without great labor. No mere aspirations for eminence, however ardent, will do the business. Wishing and sighing and imagining and dreaming of greatness will never make you great. Laborious study and diligent observation of the world are both indispensable to the attainment of eminence. By the former you must make yourself master of all that is known of science and letters; by the latter you must know man at large, and particularly the character and genius of your own countrymen.

"Read the political and legal arguments of Chief Justice Marshall, and those of Alexander Hamilton. Read them, study them, and observe with what an omnipotent sweep of thought they range over the whole field of every subject they take in hand, and that with a scythe so ample and so keen that not a straw is left standing behind them. Brace yourself up to these great efforts. Strike for this giant character of mind and leave pettiness and frivolity to triflers. It is perfectly consistent with these herculean habits of thinking to be a laborious student and to know all that books can teach. You must never be satisfied with the surface of things; prove them to the bottom, and let nothing go till you understand it as thoroughly as your powers will enable you. Seize the moment of excited curiosity on any subject

to solve your doubts, for if you let it pass the desire may never return and you may remain in ignorance. The habits which I have been recommending are not merely for college, but for life. Form these habits now."

The student should have a well-defined ambition in life. If his object is to become a lawyer, then to the law should be devoted his entire attention. "The law is a jealous mistress" has now become a saying so trite as to rank with that most shamefully over-worked one expressing a desire to write a country's songs rather than its laws. He must not expect to succeed if he occupy any considerable portion of his time with "side-issues," as politics or society. Emerson has said, "Concentration is the secret of strength in politics, in war, in trade; in short, in all management of human affairs. One of the high anecdotes of the world is the reply of Newton to the inquiry how he had been able to achieve his discoveries. 'By always intending my mind.' There was in the whole city but one street in which Pericles was ever seen—the street which led to the market place and the council house."

Mark Twain observes, "The fool saith, 'Put not all your eggs in one basket.' The wise man says, 'Put all your eggs in one basket, and watch that basket.'"

Boswell, when a boy, attended a performance in the Drury Lane Theatre, and while seated in the pit imitated so well the bellowing of a cow as to cause cries from the galleries of "Encore the cow!" He attempted, however, to show some versatility by imitating the barking of a dog, with such poor success that Dr. Hugh Blair, who sat next to him, whispered, "Stick to the cow, mon."

Lord Erskine replied to a friend who was trying

to induce him to enter Parliament, "Keep the path that leads to where one is going. Keep the path; *i. e.*, be steady in your exertions, read your briefs thoroughly, let your arguments be learned and your speeches to juries be animated. There is no advantage in keeping the path except it be the right one. I am in the path and mean to keep it. To a grave lawyer like me Westminster Hall is the only path to greatness."

Lord Eldon has said that in order to become a great lawyer the student must live like a hermit and work like a horse.

The pith of all this is: first, find out what you are fit for, and then do your very best to develop yourself along the lines that nature has laid out for you. Versatility does not pay. By this I do not mean that a man may not be a great lawyer and also a creditable musician, a good golfer and a proficient broad-swordsman. These latter accomplishments have to do with the social aspect of life, in itself a very important one. What I mean is that no man can be at one and the same time a successful practising lawyer, a prosperous business man and a great financier, and that no law student will ever become a successful lawyer who, while studying law, also gives his attention to politics, to society, to sport or to money-making. "Shoemaker, stick to your last!"

You must cultivate the faculty of presentmindedness. No mental wool-gathering in the make-up of the successful lawyer. Under all circumstances he is always ready. The introduction of unexpected evidence or unlooked for tactics by the opposing counsel or an unexpected ruling by the court may call for an immediate change of tactics, and unhappy is the counsel who is not always ready to adapt his

course of action on the instant to the manœuvres of his opponent. Of this faculty of readiness Dr. John Brown says, "It is a curious condition of mind that this requires. It is sleeping with your pistol under your pillow and the pistol at half-cock; a moment lost and all may be lost. There is the very nick of time. Men, when they have done some signal feat of presence of mind, if asked how they did it, do not very well know—they just did it. It was in fact done and then thought of; not thought of and then done—in which case it would very likely never have been done at all. It is one of the highest powers of mind thus to act. It is done by an *acquired instinct*."

Years ago the poet Milton wrote that "most men are allured to the trade of law, grounding their purposes not on the prudent and heavenly contemplation of justice and equity, which was never taught them, but on the promising and pleasing thought of litigious terms, fat contentions and flowing fees;" and ever since his day it has been no unusual thing to hear the legal profession referred to in terms derogatory to its honesty.

John Doe recites the well-known epitaph:

"We see great wonders now and then:
Here lies a lawyer, and an honest man."

To which Richard Roe replies, "Well, well! Why did they put them both in the same grave?"

In Milton's day his characterization, applied to a considerable portion of the profession, may have been more or less just. But to-day there is no profession, not even excepting the ministry itself, that calls its votaries more strenuously to the practice of absolute integrity, personal honor and fidelity to truth than does the profession of the law.

Integrity, ability and industry--these are the three great things in the practice of the law; but the greatest of these is integrity. With it men of only ordinary ability have succeeded. Without it many men of large learning and superior intellect have miserably failed.

Hugh Miller said, of the stone-mason under whom he served his apprenticeship, that "he put his conscience into every stone that he laid."

The student should remember that evil communications corrupt good manners; and that under no circumstances, nor to accomplish any end, however laudable in itself, is it expedient to affiliate with men of doubtful reputation.

He should bear in mind that, in order to be a good lawyer in every sense of the term, one must first be a good man. He should remember that the "highest attainments are imperfect without that delicate moral sense which feels a stain like a wound, and that resolute moral strength which makes a man submit to be torn in pieces rather than do what he knows to be wrong."

Blackstone has called law the "science which distinguishes the criterions of right and wrong; which teaches to establish the one and prevent, punish or redress the other; which employs in its theory the noblest faculties of the soul, and exerts in its practice the cardinal virtues of the heart." And Hooker has written: "Of law no less can be said than that her seat is the bosom of God, her voice is the harmony of the world; all things in heaven and earth do her homage: the very least as feeling her care, and the greatest as not exempted from her power; both angels and men, and the creatures of what condition soever, though each

in different sort and manner, yet all with uniform consent admiring her as the author of their peace."

Rufus Choate has said of the law that "There's nothing else to love in all the world;" and Edmund Burke declares that "Law is one of the first and noblest of human sciences, which does more to quicken and invigorate the understanding than all the other kinds of learning put together."

Chief Justice Coleridge, speaking of personal purity in the address at Haverford College referred to in the preceding pages, said: "See to it that you preserve your moral purity. It can never be too early to begin. The temptations of youth, like all others, can be conquered. Do not believe those who tell you that such achievement is impossible. It is perfectly possible, as many have proved. Take my word for it, the word of a man who has no possible motive for misleading you. And nothing will so help you to it, nothing will tend more to keep you from evil, than the company of good books and the thoughts and counsels of good men."

In the "*Study and Practice of the Law*" (1806) a "Member of Lincoln's Inn" writes, "Look up to the exalted characters of the past and resolve at least to imitate, if you cannot equal them; but despair not even of that. Do you think they would ever have risen to their own elevation if they had not beheld the eminence of some master whom they venerated at an awful distance, as you now venerate them? Or if, beholding that eminence, they had been dismayed by it? By such examples the study of the law comes recommended to us; and he who would rise in it must have such examples before his eyes; he ought never to lose sight of them. The eloquence, the wisdom, the justice and the virtue which

distinguished them must be his; he must labor as they have labored, he must study as they have studied, if he expects to reap the same glorious rewards which have crowned their course."

"The Law!" said Daniel Webster, in a toast at the Charleston Bar Dinner, May 10, 1847. "The Law! It has honored us; may we honor it!"

It is now universally conceded that the law schools afford the student the best opportunities of acquiring a groundwork for his professional career, the advantages of such a course of training being the necessary concentration upon and application of the mind to the study in hand; which advantage the student does not possess who studies only at home or in a law office. Another advantage is the incentive to industry resulting from the rivalry which always exists among any considerable number of earnest young men engaged in a common pursuit.

This being granted, the question arises in the mind of the student: "What law school shall I attend?" There has of late been much discussion as to the best method of legal education: whether that known as the case system, whereby the student is at the very outset of his studies required to deal with the original sources of the law—that is, by the study of cases—or that system for so many years followed by the great teacher Prof. Theodore W. Dwight: which system consists in the study of the general principles of the law as presented in text books, with oral comments in the form of lectures by the instructors and references to leading cases to illustrate the text book matter.

It has been the privilege of the author to have pursued the study of his profession under each of

the two systems, and therefore in the discussion of this subject the charge of undue partiality cannot be made against him. Nevertheless, instead of stating his own opinion, he will content himself by presenting the views on either side by those who, by reason of long experience in the practice or teaching of law, are entitled to speak authoritatively on the subject.

Mr. James C. Carter, who ranks second to none at the New York Bar, and a sketch of whose brilliant career appears on pages 93-96 of this work, says in support of the "case system":

"What is it that a student goes to a Law School to learn? What is it to begin the study of what we call 'the law'? What is this thing which we call 'law,' and with the administration of which we have to deal? Where is it found? How are we to know it? It is not found in that code which was proclaimed amid the thunders of Sinai! It is not immediately and directly found in the precepts of the gospel. It is not found in the teachings of Socrates, or Plato, or Bacon. It is alone found in those adjudications, those judgments, which from time to time its ministers and its magistrates are called upon to make in determining the actual rights of men.

"What was our former method of acquiring it? Going primarily to the judgment? No; for the most part the basis of these investigations was in the study of text books, the authors of which, if they had acquired any knowledge of law for themselves, must have obtained it by resorting to those original sources. We, therefore, got it at second-hand. I think the result of all investigations concerning the method by which any science may be acquired and cultivated has been to teach us to go to the original sources, and not to take anything at second-hand.

"Now, is this method open to the objection that the study of cases is apt to make the student a mere case lawyer? Not at all. The purpose is to study the great and principal cases, in which are the real sources of the law, and to extract from them rules which, when discovered, are found to be superior to all cases.

* * * * *

"This method of studying law, by going to its original sources, is no royal road, no primrose path. It is full of difficulties. It requires struggle. If there is anything which is calculated to try the human faculties in the highest degree it is to take up the complicated facts of different cases; to separate the material from the immaterial, the relevant from the irrelevant; to assign to each element its due weight

and limitation, and to give to different competing principles and rules of law their due place in the conclusion that is to be formed; and I know, on the other hand, of no greater intellectual gratification than that which follows from the solution in this way of the great problems of the law as they successively present themselves."

Also, in support of the "case system," Sir Frederick Pollock says :

"One of the first and greatest fallacies besetting law students is to suppose that law can be learned by reading *about* the authorities. Professor Langdell's method (for it should justly bear the name of the inventor) strikes at the root of this."

Another supporter of the "case system" is Mr. Dicey, the learned English jurist, who says in advocating it :

"To master the rules of English law you must study these rules as applied to the affairs of life. They are maxims which derive their full real force from their application to cases. As Paulus excellently said of Roman law, confuting by anticipation the pretentious and shallow writers who fancied that Roman lawyers were less practical than English ones, '*Non ex regula ius sumatur, sed ex iure quod est regula fiat.*' Judicial decisions are legal experiments, reports are the record of such experiments; our evidence of '*ius quod est.*' The lawyer or student who really enters into the results of a line of leading cases learns more than a few verbal maxims which may be committed to memory. He sees what is the true meaning of legal doctrines when applied to facts; he 'becomes' as Mr. Finch well expresses it, 'familiar with the tone of thought, the attitude of mind, which prevail in our courts; he gets a touch of the genius of English law; I may venture to add, of the English race.' He learns, in short, by the only method by which it can be learned, the notion of justice which the lawyers and judges of England have developed by labors extending over centuries, and have impressed upon the minds of English people."

Prof. Wm. A. Keener, under whose instruction it was the good fortune of the author to have been for some time, has this to say in advocacy of the "case system," now followed at Columbia College Law School, of which institution Prof. Keener is the efficient and honored Dean.

"A system in which principles are studied in their application to facts would seem to combine in the highest possible degree the theo-

retical and practical. In no other way can a student so thoroughly acquaint himself with the methods used by judges in applying principles of law to the facts before them. It must be borne in mind that this method of teaching does not consist in lectures by the instructor, with references to cases in support of the proposition stated by him. The exercises in the lecture-room consist in a statement and discussion by the students of the cases studied by them in advance. This discussion is under the direction of the instructor, who makes such suggestions and expresses such opinions as seem necessary. The student is required to analyze each case, discriminating between the relevant and the irrelevant, between the actual and possible grounds of decision. And having thus discussed the case he is prepared, and required, to deal with it in its relation to other cases. In other words, the student is practically doing as a student what he will be constantly doing as a lawyer. By this method the student's reasoning powers are constantly developed, and while he is gaining the power of legal analysis and synthesis he is also gaining the other object of legal education, namely, a knowledge of what the law actually is."

It was evidently the opinion of that great lawyer and statesman, John C. Calhoun, that the "case system" is a most admirable one, as will be seen by reading his letter which appears on page 75 of this volume.

On the other hand, the "Dwight Method" has also received the commendation, based on experience and observation, of many of America's foremost lawyers and judges. The following explanation of this system is from data furnished me by Dean Chase, of the New York Law School; the esteemed associate of the famous founder of the system, and under whom it was my great privilege to have studied at Columbia Law School.

The "Dwight Method" receives its name from Prof. Theodore W. Dwight, since it was distinctively the method which he employed and by which he achieved great success and distinction as a legal instructor. In 1858 he came to New York City to open a law school in connection with Columbia College. The new school began with but few students,

and for some years had to combat a prevalent spirit of hostility among the lawyers, who, having been brought up themselves in lawyers' offices, viewed that as the only true way to gain a legal education, and regarded the new method as an absurd innovation. The new method triumphed, however, and before many years lawyers and judges were sending their own sons to the school, and institutions of like character began to spring up all over the United States. The attendance at the school grew larger year by year, its standards became higher and more rigorous, and students were attracted to it not only from all parts of this country but from foreign countries as well. Prof. Dwight resigned his chair at Columbia in 1891, and his long period of service as a teacher of law came then to an end. His death followed within a year thereafter.

Professor Dwight laid no claim to being the originator of this method. He described it as simply the "natural method" of instruction, which has been pursued since men began to teach and pupils began to learn. As respects legal education, he showed that it was the method advocated in the Roman law of introducing students to their first knowledge of that remarkable system of jurisprudence.

In order to exhibit the nature of the "Dwight Method" in such a way that those who have never studied law may be able to understand its essential character as contrasted with other methods, it will be necessary at the outset to explain of what the English and American system of law consists, and how it has been developed. It is composed of (1) the *Statute Law*, and (2) the *Common Law*. *Statute Law* is that which is enacted by the Legislature, while *Common Law* is that which is declared by the

courts in their adjudications upon the successive particular cases which are brought before them for decision. An adjudication upon the rights and obligations of the parties in any single case becomes an established rule of law for any subsequent case presenting a like state of facts, and the various rules of law thus set forth in the great body of decisions emanating from the courts constitute collectively the "common law." Causes once decided serve as *precedents* for the future, and it is a cardinal rule that precedents must be followed in like cases which subsequently arise. Thus by a vast number of individual cases, relating to the almost infinite variety of human transactions and relations, has been built up a composite system of rules and principles which we call the "common law," and which determines the rights, interests and obligations of men in all the affairs of life. This practice is still continuing, and will continue in the future as long as our system of law endures. In England and the United States thousands of cases are decided year by year, each of which forms a precedent to guide the decision of similar cases which may thereafter be litigated before the courts of the same State. These decisions are published in volumes called "Reports," each of which may, on an average, contain a hundred cases, more or less, bearing on as many different questions. Not all decisions are reported and published, but those of the higher courts in any State are sure to be. Each case will give the names of the plaintiff and defendant who litigated the case; also a statement of the "facts of the case," *i. e.*, the acts, dealings, or occurrences, as between or concerning the parties, which led to the litigation and which show what was the precise point in issue be-

tween them ; also the decision of the court determining that point in issue, and thereby, in effect, establishing a precedent for similar cases. To each case in the Reports is prefixed what is called a "head-note," or "syllabus," giving a brief statement of what was decided by the court in that particular case. These head-notes are of valuable service, since they give a ready clue to the contents of the several decisions, and show their scope and purport.

The *Statutes* of a State are also published in book form at the close of a session of the Legislature at which they were enacted. From time to time, also, such of these enactments as are of general public value are published in volumes called "Revised Statutes," or "Public Statutes," or the like. Such a publication contains all the statutes of general application which have been passed by the successive Legislatures of the State, from the earliest to the latest, and have not been repealed.

The *Statute Books*, containing the rules of law enacted by the Legislature, and the *Reports*, containing the rules of law declared by the courts in their decisions, constitute, therefore, two great sources of knowledge as to what the rules of law are. Lawyers buy these books, or consult them in law libraries, and find in them material for lifelong study, whether in preparing themselves to give legal advice, or to conduct and argue cases before the courts, or to enlarge and clarify their general knowledge of the law.

It might be thought, inasmuch as the courts have been for generations past deciding cases and thus establishing precedents, that the body of principles constituting the common law would, by this time, be quite fully and accurately determined, so that there would be little need for further adjudication. So far,

however, is this from being true that the amount of adjudication is now greater than ever, and is steadily increasing year by year. Thus the reports published throughout the United States in 1892 contained the enormous mass of over 11,000 cases. Allowing a hundred cases to a volume, this would make 110 volumes for a single year, and in ten years there would be 1,100 volumes. The cause of this result is the extreme diversity and complexity of human affairs. As any new case arises, and is presented to a lawyer for his advice thereon, he knows that if *precisely the same question* has been already decided in a prior case in the highest court of the same State, the rule of law thereby established must govern the case now in hand, if that prior case has not been overruled. But in studying carefully this new case he is very likely to find that it differs in one or more important points from any case that can be found in the Reports. It is a common experience to find that the case under consideration resembles one prior case in some respects, a second in other respects, and there may also be a third, fourth, fifth, or even more, as to which the similitude is more or less close, without being exact. Under such circumstances the lawyer has to compare his case with all these others, consider carefully the elements of similarity and of contrast, in order to determine, if he can, whether the same rule that was applied in one of these former cases should govern in the present instance, or whether some modified rule deduced from some or all of them collectively should be applied, or whether some new and distinct rule, not previously formulated as a principle of law, would better promote full and exact justice between the parties. Very frequently the result is that, as the lawyers on the opposing sides of the question do

not agree in their conclusions, the matter in controversy has to be submitted to the courts for determination, and thus a new law-suit arises, which may lead on to a decision, and thus to another case in the Reports. So cases multiply by the thousands and tens of thousands, although the mass of those already accumulated is great enough to place it beyond the capacity of any one man to familiarize himself with them, even if he should devote to this task every working day and hour of an entire lifetime.

The *Statutes* and *Reports* are said above to be two sources of information in ascertaining the law. But in view of the immense collection of reports and decisions, which even the most unremitting application cannot cope with, the question naturally suggests itself, Is there not some valuable aid which can be used to acquire a knowledge of the law which may lessen the labor and facilitate research? The answer is that we have such an aid in the *Treatises* or *Text-books*, as they are called, which have been written by eminent legal authors upon the various branches of the law. For example, Mr. Joel P. Bishop, a writer of ability and distinction, has published a treatise upon Criminal Law, in which are set forth the rules of law in regard to all the different kinds of crime: murder, forgery, theft, etc. In preparing this book it was necessary for him, besides studying carefully the statutes on criminal law, to search out all the cases in the English and American Reports relating to crimes, carefully read them, classify them, and deduce from them the principles of law which they establish. It was a labor of years, and the treatise, when published, was as full and thorough and accurate an exposition of this important branch of law as an acute and highly skilled writer like Mr. Bishop

could produce. Several editions of it have now been published, and it has always been regarded by the legal profession as a treatise of great value. The work done in writing it was similar to that which an historian does in writing history. Mr. Parkman, for example, in writing his history of the French and English occupation of North America, spent a lifetime in examining original archives, and ascertaining and exhausting other sources of information. As his histories are of exceeding value, so it is easy to see how a legal treatise, prepared by a great writer, will also be of exceeding value.

With these explanations the difference in the methods of legal instruction may be readily understood.

The *Dwight Method* is a method of *recitation* and *exposition*, accompanied by the *reading of illustrative cases*. It uses text-books as the basis of instruction. Its theory is that a legal treatise by an able writer may have great value as a statement of the law to be deduced from the Statutes and Reports, in the same way as we have seen that Parkman's works have great value in exhibiting the history of an epoch. Hence the treatise of a competent author is, by the Dwight Method, regarded as stating the law with substantial accuracy. The treatise, moreover, it is claimed, has the great advantage of setting forth the rules and principles of law in *logical, systematic arrangement*, so that students can see their relative importance and mutual dependence. The practice in using the text-book is this: the instructor assigns each day to his class a certain number of pages of the text-book for careful study in preparation for the recitation of the next day. When the class meets again the next day for recitation he questions them, one after another, in

rapid succession, in regard to the rules of law which they have studied, receives their answers, finds out thus whether they have understood what they have read, and by a running comment of his own, which is intended to simplify and illustrate the subject under consideration, endeavors to make the legal rules and principles so clear, and so well adapted to their comprehension, that they will bear away with them full, clear and definite knowledge. In this way the students come to the class-room each day well prepared by previous study to understand and profit by the exposition there given. The instructor, therefore, can devote special attention during the exercise to difficult points which his experience shows him are not likely to be fully comprehended. He aims to reduce abstruse and complex propositions to the simplest possible form of statement, and to cite illustrative cases which, by showing the application of a rule to a given state of facts, shall make the operation of the rule easily understood. His object, above all, is to treat the *principles* of the law and the *reasons* on which they depend as of fundamental importance.

The Dwight Method also comprises the reading of cases in connection with the study of the text-book. But the cases are read, not, as in the case-method, to form the basis of instruction, but as *illustrations* of the legal principle which the student finds stated in his text-books. The cases thus serve as *object lessons* of the application of principles. Such reading may begun to a moderate degree at an early period in the student's course, and gradually broadened in its scope and extent as his knowledge of principles increases. By comparing the cases with the statement in his text-book the student will also

be enabled to comprehend how the treatise writer deduces the principles from the cases. This will be of value in teaching him how to extract the principles himself from the study of the reports. He need not, however, undertake to read as many cases as by the case-method would be deemed requisite. The author whose treatise he uses has studied the cases in the mass, so as to state the principles of law with all due qualifications. The student, therefore, need not traverse this whole ground again. It is enough, in general, if he reads such cases as show the application of the principle in its most important relations. or enable him to understand its practical usefulness and sphere of operation.

The Dwight Method thus combines the study of *Text-books* with the study of *Statutes* and of *Reported cases*. The student begins with elementary topics, and gradually proceeds to those which are more difficult. He has the aid of the ablest treatise writers. He has also the constant aid of the instructor to guide him in his studies and aid him to comprehend and apply them. All the valuable sources of legal knowledge are thus placed at his disposal.

Prof. Edward J. Phelps, one of the greatest jurists in the United States, outlines a method similar to the "Dwight Method" in a letter to the *Yale Law Journal*, to the editors of which publication the author of this volume desires to express his grateful appreciation of courtesies extended him. Prof. Phelps says:

"Such views as I have are not derived from consideration of systems of study, but from observation of their results. I have paid little attention to the processes of culture but have had large opportunities to observe the harvest, for my acquaintance with the profession in all its grades has been long and wide.

"Men of exceptional intellectual power, or specially qualified by the character of their minds to deal with legal principles, will reach distinction, if they devote themselves to that pursuit, in spite of all disadvantages of education. Some great lawyers have had no more fortunate beginning than the study of a tattered Blackstone by the light of a pine-knot fire. There is another class of students, unfortunately, to whom no facilities of instruction, however excellent, will prove useful. They are either those who are lacking in mental capacity or in natural adaptation to the study of law—for capacity is more frequently adaptation to the work in hand than is always remembered—or they are those who cannot or will not bring themselves to perform the necessary labor. Some young men are disposed to regard the profession of the law as a genteel way of getting a living without work, or as a convenient introduction to that highest of American ambitions, the holding of some sort of public office. In the latter expectation they may perhaps succeed, as it does not usually much depend upon intellectual qualities; in the former they will not fail to find out their mistake, perhaps after it is too late. But the man of fair abilities, sufficient to have insured him a satisfactory if not a brilliant success, and willing to do the work that is necessary in order to make the most of himself, not infrequently fails to achieve much at the bar. And it has seemed to me that the reason is generally to be found in the lack of the mental discipline and the true foundation of legal knowledge, which must be acquired, if at all, in early life and in educational studies. The want of these is rarely overcome. He who sets out in the wrong direction is likely to get further away from his course the longer he travels. The building that is erected upon an incomplete and insecure foundation, however it may be elaborated and wrought over in its upper stories, is never strong or permanent. When the rains descend, and the floods come, it will be seen to be founded upon the sand.

"The very first and indispensable requisite in legal education, without which there can be none that is worthy of the name, is the acquisition of a clear and accurate perception, a complete knowledge, a strong, tenacious grasp of those unchangeable principles of the common law which underlie and permeate its whole structure, and which control all its details, its consequences, its application to human affairs. That should be the work of the law school, to the student who is happy enough to enjoy its privileges. If it does that for him it does quite enough, and all there is time for. If it fails to do that it does nothing that is really worth while. If the student goes out from it with hazy and uncertain conceptions and vague and indefinite knowledge, if he is enriched only by a vast and varied misinformation and a widely extended misunderstanding, he had better address himself to almost any other profession for which he is disqualified than to the profession of the law. And it is certain that his mental habits will be of the same character as his acquirements.

" If I were to venture upon any criticism of the system of instruction that is now, so far as I know, universally in vogue in these institutions, because universally demanded, I should say that they attempt too much for the time at their disposal and the capacity of their average students. In establishing their standard they fix their eyes rather upon what should be accomplished at the end of a lawyer's career than at its beginning. They cover too much ground; they burden the student with too much reading, too much instruction, too many topics. They cram him with more than he can digest; they load him with more than he can carry. The culture he receives is too wide to be deep. The mental discipline, without which knowledge is only an encumbrance, is sacrificed or impaired in the overstrained effort at accumulation. Learning is made to take the place of knowledge, and knowledge outruns strength. No man certainly can evolve a mastery of the law out of his inner consciousness; it must be obtained by study, and the real lawyer must be a student in earnest all the days of his life. But, on the other hand, mere learning can never make a lawyer. The faculties of acute and accurate perception, of seeing things just as they are, of strong logical reasoning, and of a high and clear sense of justice, must be formed and trained and incorporated into the mind as legal knowledge is acquired. The process, therefore, cannot with most men be very rapid: Excellence will be found a plant of slow growth. Study should consist not merely in reading and hearing but in reflection; so that what is received may be thoroughly mastered. The unhappy tendency of our time, not merely in schools but to a considerable degree in the profession and in the courts, is to encumber the law with much that is called learning, sought to be deduced from millions of heterogeneous, often irreconcilable, and sometimes incomprehensible cases, each of which, instead of being a decision on the point involved, is a dissertation upon the general law of the subject. The terse, clear and logical judgments that are found in the earlier English and American reports, in which conclusions are deduced from principles instead of from other conclusions, are not now much in fashion. It is easy to find single opinions in which more authorities are cited than were mentioned by Marshall in the whole thirty years of his unexampled judicial life, and briefs that contain more cases than Webster referred to in all the arguments he ever delivered. To plunge a student into this chaos, with his powers untried and imperfect and his knowledge of principles incomplete, to grope his way through it as best he may, and to triangulate from case to case, supposing that he is getting forward when he is only going astray, is not to educate him, but tends rather to make him proof against education. If the time comes when he can encounter it with the discrimination that is born only of a lucid conception of legal principles, he may be more safely trusted in a great law library without danger of being conducted 'by learned reasons to absurd decrees.' He will then see how cases may illustrate the application of principles

which they do not create and cannot destroy ; that the law is, after all, the science of justice, as far as justice can be made effectual by general and established rules ; and that its warrant and its eulogy are only to be found in ' the good justice that is done in the land.'

" If I were to frame a law school upon my own old-fashioned idea of what it should be it would attract no students. It would be like the common school by the side of the academy. The slenderness of its library—small, but well-selected, rich principally in what it did not contain, and jealous of new accessions—the simplicity of its curriculum, the moderation of its speed, the apparent modesty of its extent of attainment would be likely to excite derision. Such was the school which I had the advantage of attending in the happy days of my youth. Out of such schools, and from the same system of instruction outside of them, have come a large proportion of the greatest lawyers I have ever seen or expect to see. What was taught there was only fundamental, but it was taught effectually. It sank into the student's mind and wrought itself into his ideas and his modes of thought. The habit of reasoning from principles to conclusions gave him, if he was capable of attaining it, the large comprehension and strong logical power which are the characteristics of the sound lawyer, and the true weapons of the advocate. On the foundation thus formed the superstructure can be rapidly built in after life. To a mind so trained, no legal propositions, however new, will be difficult ; no complication of facts, however unusual, will embarrass the application of the rules of law or put justice out of court.

" I have felt less hesitation in expressing these antiquated views because there is no danger of their being adopted. Institutions must meet the demands of their time, right or wrong, or they will soon cease to be institutions, for the lack of disciples. Public opinion in these times, upon any subject that much attracts public attention, flows in currents which sweep everything before them. It is idle to try to go against the stream ; one must go with it or be left behind. Education in all its departments, nowadays, is the business of rapidly imparting universal knowledge to all mankind. The end sought is acquirement rather than strength, accumulation at the expense of understanding, quantity instead of quality. This can only be corrected, if it needs correction, by the experience which perhaps may disclose that such is not the way to make strong men.

" I may well enough terminate these observations in the language of a worthy and honest justice of the peace in the State of Vermont, who, in rendering judgment in an action that had been sharply contested before him, concluded by saying, ' These are my views in respect to this case ; I have no doubt about it ; very likely I am wrong. I am generally wrong.' "

Also, in advocacy of the "Dwight Method," Mr. Edmund Wetmore, of the New York Bar, says:

"I have given some time and thought to the subject of different methods of college instruction, and I believe that, as a preparation for the legal profession, Dr. Dwight's system of teaching is that which experience has shown to be the best; and certainly he himself, as a teacher, has had few rivals in this country. The controlling principle of his system is the inculcation of the elementary rules of law applicable to its leading branches, by presenting them in the clearest and simplest form, under a carefully studied and logical arrangement, and fixing them in the mind by apt illustration and the drill of recitation and review. The consequence is that the student bears away with him that which he never forgets. He has stamped upon his memory an outline within which the results of all future labors naturally and readily fall. He has the basis upon which to rest the science of legal reasoning, the best equipment for the future development of his powers. There is no student of Dr. Dwight's, who has faithfully followed his profession since he left the school, who will not heartily confirm my words."

Finally, in opposition to the "case system," are these words from the distinguished writer and instructor of Law at the New York University, Prof. Christopher G. Tiedeman, whose splendid qualities of mind and heart are the admiration and inspiration of his former pupils, among whom the present author is proud to be numbered:

"There are four things to be attained by systematic legal instruction, and no system is complete which does not make provision for the attainment of all of them; viz, to teach (1) what is the law; (2) how law is evolved or made; (3) how to extract the ruling principle of law from an adjudicated case; (4) how to apply known principles of law to new cases as they arise.

"No one would deny that the study of actual cases will alone satisfy the third and fourth requirements of legal education as just set forth. Nor can there be much doubt that a student cannot learn how law is made unless he studies adjudicated cases, even where the particular matter is regulated by statute. For the statute does not always contain the true living rule of conduct. The true rule or rules which are produced by the enactment of a statute are not to be found in the letter of the statute, but in the construction placed upon it by the courts.

The law student cannot find in the Statute of Frauds all that is necessary for him to determine when a writing is necessary to the validity of a contract. He must look for an accurate answer to his inquiry to the thousands of cases in which the provisions of the statute of frauds have been construed and modified in their application to particular cases, or he must go to some reliable treatise on the subject whose author has made the investigation for him. The student should be made to understand that the edicts of the legislature are not in themselves necessarily living law, except so far as they reflect the prevalent sense of right, but that the real rule of civil conduct is to be extracted from the cases, in which the statutory rule finds in its application to individual litigation the more or less serious modification which is necessary to bring it into conformity with the popular sense of right.

"The second and third aims of legal education, as here differentiated, only serve to teach the student how to discover for himself what is the law, while the fourth gives him an opportunity to learn how to make a practical use of his legal knowledge. Legal educators many differ as to the amount of time which should be devoted in a law school course to the attainment of these three elements of professional education; but they cannot seriously deny that the study of cases is the only method by which this instruction may be imparted. Nor can there be much cause for doubt or dispute that the major part of a law school course must be devoted, not to teaching how law is evolved, or how to extract the law from adjudicated cases, or how to apply it to new cases, important as these things are, but to teaching what is the law; what are the principles, general and special, which give logical shape to all systems of jurisprudence. And it is at this point in the discussion of educational methods that there is the greatest cause for contention.

"There is very little room for doubt that, at least in the Anglo-Saxon world, the adjudicated cases are the great reservoir of legal learning, and that the original investigator must go to these cases for the materials out of which he may construct our jurisprudence, or satisfy the more modest desire of ascertaining what is the law of the land on a particular subject. But he would use the cases not for the purpose of learning directly from them what is the law, but to discover, as the scientific investigator hopes by his experiments with the forces of nature, the fundamental principles underlying the concrete manifestations of their influence. If the chemist, or physicist, or biologist, wants to learn what is already known about their respective sciences he goes to the treatises in which are recorded the results of the investigations of others. He does not open the book of nature and expect to find therein the principles set forth in such intelligible terms as that he who runs may read. He goes to his library, instead of to his laboratory.

"The adjudicated cases constitute nothing more than materials out of which the scientific jurist is to construct a science of jurisprudence.

They are not law in themselves, they are but applications of the law to particular cases. Law is not *made* by the courts; at the most only promulgated by them. Any one who believes that judges are free agents in the rendition of decrees and judgments may be inclined to question the soundness of the last proposition. But he who is fully persuaded that law is not the independent creation of the judicial mind, but is the resultant of the social forces reflecting the popular sense of right, will readily give his assent. The judge is but an instrument for the promulgation of this popular sense of right in its particular application to the cause at issue. When I first met with the proposition, which is so often enunciated by legal writers as a proper and satisfying explanation of the relation of statutory law and "judge-made" law, as Bentham contemptuously calls it, that the judge in rendering a decision on a novel question, or in modifying a principle of law which has been previously enunciated, does not make law but only declares what was the pre-existing, although perhaps as yet unexpressed, law, I was inclined to repudiate the doctrine altogether as a fiction, and to give my approval to Bentham's criticism of this judicial liberty. But when I looked deeper into the origin of the law, and satisfied myself that all law, so far as it constituted a living rule of civil conduct, whether it takes the form of statute or of judicial decision, is but an expression of the popular sense of right through the popular agents, the legislator or the judge as the case may be—then a new light was thrown upon what I was inclined to pronounce an unwarrantable fiction, and I believed all the more firmly that neither the judge nor the legislator makes living law, but only declares that to be the law which has been forced upon him, whether consciously or unconsciously, by the pressure of the popular sense of right, that popular sense of right being itself but the resultant of the social forces which are at play in every organized society.

"If this be the true conception of the origin and development of law, then it must be conceded that learning what principles of law have been given birth, or have been more or less modified in a particular decision or set of decisions, is not an elementary work which may be entrusted to beginners, or which law students, at least in the earlier stages of their professional training, may be expected to do satisfactorily to themselves and to their teachers. In the first place, the whole law or any appreciable part of it, on a particular subject, cannot be learned from the study of a few leading cases, but only from a very large number of cases. For example, in order to learn the law in relation to the requirements of the statute of frauds, one would have to read not a few cases but thousands of cases. To teach law by cases—granting for the present that it is possible to teach law as a science by cases alone—it would require incredible length of time to teach even the elementary law.

"But, apart from the physical impossibility of reading enough cases

in order to enable the student to learn the law in the time to which the exigencies of American life require a law school course to be limited, the legal tyro is not mentally capable of extracting the principles of the law from adjudicated cases, even though he be a college-bred man and possessed of more than the average of ability and industry. A few men of extraordinary mental powers may be able to collect together and formulate correctly, by the study of cases alone, the principles upon which the adjudications rest, but the average student will, by such a system of instruction, if pursued exclusively, be impressed with the great weight of judicial precedent, and he will become what is so generally deprecated, a case-lawyer; who thinks the whole business of advocacy consists of persuading the court that the cases he cites in support of his side of the controversy are to be followed, not because they enunciate a profound scientific truth, but merely because they have given judgment for the plaintiff or defendant on a similar statement of facts. The higher aim of their instructors, to make of them conspicuously original investigators in the law, is lost on the average law students. Law students, in the present state of public opinion, are inclined to consider rules of law, as they are enunciated by the court, as distinct and independent propositions, which may be strung together in a digest in some more or less orderly manner but which have no logical connection, leading up to the formation of a compact scientific system of jurisprudence. And it strikes me that this evil, so far at least as the average student is concerned, will be intensified by telling him that he must learn the law from the cases alone. The average student will not do the necessary work in order to be able to construct for himself, out of the mass of judicial decisions, an orderly and logical presentation of the fundamental principles which are the groundwork of every system of jurisprudence, and a knowledge of which is absolutely essential to any scientific conception of the law as a whole, or in the detailed application to special cases in actual practice.

"If it taxes the mental energies of the most experienced and skilful of our law writers to present accurately and logically the law on a given subject, so as to guide and not mislead the active practitioner and judge in the winning and settlement of judicial contests, we certainly cannot expect the student to do this work satisfactorily or accurately. One of the most successful of our American legal authors once observed in my presence that he often found it impossible to discover the common principle by which conflicting decisions, even of the same court, may be reconciled. He did not refer to cases in which there was a direct repudiation of a prior decision, but to those cases in which there was an express or implied confirmation of the prior decision, but with so great a departure in practical results as to force one at least to the conclusion that the later decision imposes a serious modification of the rule of law as laid down in the prior decision. To present in a clear light

the rule of law, as it emerges in a modified form from the clashing interests represented by two or more decisions, requires the skill and leisure of the experienced legal author. The busy practitioner has not the time, and the tyro has not the skill or experience to enable him to escape the confusion of ideas which the reading of conflicting decisions occasions.

"But even if the student is capable of doing this work, from which old practitioners shrink, why should he be forced to learn the law exclusively in this laborious and difficult manner? Must he be denied the privilege, which the students of medicine, chemistry and the other sciences enjoy, of learning at the outset of his study, from treatises, what other original investigators have discovered? Like the student of the different sciences, the law student must learn how to make original investigations for himself, and diagnose, so to speak, the principles of law from the cases in actual litigation. But no reason can be given why he must learn the whole science of the law by his own investigations in the undigested mass of raw material in the shape of adjudicated cases. No medical school can pretend to give a complete course of instruction at the present day without introducing into its curriculum a comprehensive course of clinics. Nor does the professor of physics or chemistry teach these sciences exclusively by the use of the text-books and pictorial representations of the various experiments, as was once the practice. But the instructors of these sciences have not discarded the treatise; they have only supplemented the use of the treatise with the resort to the laboratory and operating room.

"The difficulty in reaching a common agreement in the present discussion over methods and means of legal instruction is the difficulty which is often experienced in finding the middle and true ground of a controversy. Impressed by the defects of the older systems of instruction—in which the law student was presented with more or less abstract propositions of law, with the aid of text-books which often were either nothing more than digests of the cases, and put together in an illogical and disorderly manner, or whose statements of the law were so loose and inaccurate as to prove misleading; and more impressed with the necessity of "legal clinics" in the course of instruction in the law school instead of being left for acquisition in the law office—the advocates of instruction by cases have gone to the opposite extreme of placing too high a value upon the study of cases, and of unduly depreciating the value of the study of theoretic law, apart from learning it through the medium of practical law. But notwithstanding their undue appreciation of the study of cases they tacitly concede its inefficiency, as a sole means of learning the law, by accompanying the study of the cases with a glossary or commentary of that part of the law which is treated in the cases. The cases are therefore used merely as illustrations of the law which is set forth in the commentary, which is either given to the student in

printed form or imparted by the professor in his class-room instruction. If the commentary consists of a scientific and logical treatment of the branch of law selected, corresponding to the methods adopted by the better legal treatises of modern times, the instruction by cases differs only from the instruction with the aid of the best text-books in that the illustrations of the law constitute the text, while the law is put into foot notes, and has the disadvantage of misleading the student as to what is and what is not the nature of the law. If the glossary or commentary is nothing more than a digest of the cases for which space could not be found in the text, then the employment of such a book in a class-room instruction will not avoid many of the evils which were complained of under the older *régime*.

"The advocates of instruction by the use of cases have effected an important reform in legal education by arousing the law schools of the country to the importance of infusing more life into their instruction, and of introducing into their curricula what I would call "legal clinics;" and for this great good the legal profession should be grateful to them. But the great danger, of driving out of the schools all scientific study of the fundamentals of the law in the unchecked study from the cases of isolated propositions of the law, ought not to be lost sight of. I think we may, in this connection, consider with profit the order of legal instruction pursued at the German universities. In the first half of their three years' course the student gets nothing but theoretic and relatively elementary law, which he gleans from the lectures of the professor and from the treatises corresponding to the English and American text-book. The same course of instruction is maintained to the end of the university course, except that the seminarium is added; in which the student gets his first insight into practical law and where the method of instruction is practically a study of law by cases, except that the cases are in the main hypothetical. When the student receives his doctorate he is enrolled among the officials of the court as a *referendar*, performing duties as an assistant to the judges which are calculated to give him the practical experience which is aimed at by the law in many of the American States in requiring of candidates for the bar an apprenticeship or clerkship in a practising lawyer's office.

"If I were called upon to establish a course of legal instruction I would follow the German methods as nearly as the situation and public opinion in America would allow. I would make the course in the law school three years. During the first year I would confine the student to the study of the fundamental principles of the law with the aid of the most approved treatises, and without any resort to cases except by the instructor, who would use them in the class-room for the purpose of illustrating the text. The second year would be in the main similar to the course of instruction of the first year, with a partial introduction of 'legal clinics' and of the seminary methods. In the third year the

instruction would largely consist of the study of cases, and of practice and pleading.

"During the entire course in the law school I would place the ban upon the resort of the student to the law office. His clerkship in the law office should begin upon his graduation from the law school."

Having read the arguments, pro and con, by the leading exponents of the respective systems, the student should carefully consider under which of the two he desires to pursue his course of study.

In my experience, one of the most desirable features of a law-school course is the "quiz class," ordinarily composed of a limited number of students who meet regularly, daily or weekly, to review and discuss the topics of the few preceding days. One of the members is selected at each meeting to serve as "quiz-master," and under his leadership the various topics are discussed. At each meeting also a member reads a paper on a special topic previously assigned to him.

An extremely important step in the law student's career is the choice of an office in which to gain the necessary practical training as student or clerk preparatory to admission to the bar. Many offices there are which, for any really beneficial training the student may derive therein, are next to useless. In such offices the student has thrust upon him unimportant routine work incidental to office practice, and which serves no purpose except to squander his valuable time.

He should be careful, then, to select an office where he can secure a familiarity with all the details of legal business; a knowledge of the management of an office, with the privilege of a good working law-library; an opportunity for contact with able lawyers, and, above all, with honorable men. The presence

or absence of this latter feature oftentimes exerts a great influence on the student's career in after life. As John Stuart Blackie has said, "To have felt the thrill of a fervid humanity shoot through your veins at the touch of a Chalmers, a Macleod, or a Bunsen, is, to a young man of fine susceptibility, worth more than all the wisdom of the Greeks, all the learning of the Germans, and all the sagacity of the Scotch." James A. Garfield once said of the illustrious President of Williams College, "Mark Hopkins seated on a log would be a university."

Lord Ellenborough, the illustrious English jurist, speaking of Archdeacon Paley, said, "Paley formed my character, and I consider that I owe my success in life more to my character than to any natural talents that I may possess."

I have repeatedly been asked by some young friend the question, "When should I begin my period of clerkship in a law office?" The best answer to this question is found in the following quotation from Hoffman's *Study of the Law* :

"Many young men on leaving college at once place themselves in a law office, and are frequently made mere drudges, to copy pleadings, deeds, letters, etc., which the proprietor of the office is either too busy or too indolent to copy himself, and which neither improve the student's handwriting nor add one mite to his legal stores. Others are suffered to grope through the intricacies of the law without torch or clue, and destitute of all method. Left to self-direction, they essay the perusal of some black-lettered folio as the herculean task alone necessary to be surmounted; the difficulties of this widely diffused science are then to vanish, and this musty and ponder-

ous folio is to be the avenue through which they are to pass, as by enchantment, into smooth and uninterrupted paths. Disappointment, however, is the certain reward of such students. Their minds are not prepared for so vast an undertaking. The first beams of legal knowledge have not been felt when they ignorantly and rashly fly, like Icarus, in the very face of the sun, and meet with the same inevitable and ruinous fate. Some, again, are contented with the *scraps* and *bits* of knowledge gleaned from writing deeds and declarations; from listening to the protracted narratives of clients to their counsel, and the hasty advice which the former receive from the latter; or from an occasional attendance on courts of justice; while the remainder of their *office hours* are dedicated to politics and pamphlets or the ephemeral and amusing productions of the day. In this round of *time-slaughtering* the three or four years originally appropriated as the period of legal study have elapsed, and the student must now embark in the practice of a profession the very rudiments and general contour of which have never been fully presented to his mind. This is by no means a picture of too high coloring, but a faithful sketch of the history of many students of law. We, therefore, earnestly entreat the student to devote three-fourths of the period allotted for his legal apprenticeship to private study, and by no means to enter an office until the year previous to his entering the practice of his profession. If the public records be accessible to him, he should read occasionally the entire record of a case carried from an inferior tribunal to the Supreme Court; the perusal of a few records of this kind would impress on his mind a distinct view of the whole routine of an action, through perhaps a hun-

dred different forms or entries, to the return of the executory process."

Daniel Webster once told William Pitt Fessenden, "When I began to practise law I never let a legal document pass out of my hands without reading it three times at least."

The following advice was given by Kelso Storey in an address to the Sunderland Law Students' Society, a report of which was published in the *London Law Students' Journal*:

"The years which a man spends as a clerk are of the highest importance to him. I fear that this is not sufficiently realized, and very much of this time is not used to the best advantage, but, on the contrary, a great deal of it is wasted. It is apparent that our numbers are becoming very great, and in consequence that those persons who are best qualified have a better chance of succeeding in our profession. Observation is one of the best teachers, and a clerk should always keep his eyes and ears open to everything that is going on in the office that comes under his notice. Having entered into a covenant to keep the secrets of the office, he ought zealously to guard his tongue. The letter-book should be carefully perused day by day, or as often as occasion permits, to see the correspondence going on in the office, and this will also be a training in the drafting of letters that forms such an important item in a solicitor's work. When a new piece of business is commenced it should be watched step by step until it is concluded. Take, for illustration, a matter of conveyancing where the solicitor is acting for the purchaser of a house. The clerk should peruse the agreement or condition of sale, if any; go through the abstract and note any requisitions on the title; see the draft of

the conveyance, and notes, if any, on the completion of the purchase. Also in an action in court he should note the various steps from the issuing of the writ to the judgment and execution. Order and method in one's work should be carefully observed and practised from the beginning, as without this a solicitor's office would become a veritable chaos and utter confusion would prevail. It would be an advantage to keep a diary and make a record of what one does each day, and form habits that might be advantageous to him afterwards. Regular attendance at the office during business hours is of great importance. Many clerks seem to think they need only attend when they please. The clerk who attends the office and does not unnecessarily indulge in walking about the streets is the man who, when he gets an office of his own, will be there when he is wanted, and will not need so frequently to put upon his door, 'Will return in ten minutes.' I would advise clerks to attend the courts occasionally. Public speaking is an art that should be cultivated by all. Mutual improvement societies and debating clubs afford a good opportunity for acquiring this art. And law students who have the privilege of being members of a debating society have an opportunity that should be taken advantage of. Points of law set down for argument should be looked into and authorities sought out. With regard to the course of reading to be adopted, the student should not start with the idea of doing as little reading as possible and still meeting the requirement, or of doing the requisite amount of reading in the shortest possible space of time. His duty is not to cram to pass the examinations. It is a strong point to be well up in case law, and to carefully read the judgments of leading and recent cases. The

taking of notes is a help in some cases. It is scarcely possible to take notes of all the works to be read, but difficult points and places that you wish to refer to, briefly noted, refresh the memory. Too much reliance must not be placed on the notes, and they must not under any circumstances take the place of mental notes. Learning is essential to members of the profession, but there is something more important still; that is, reliability and integrity of character. If you wish to succeed in your profession, take care of your good name and strive to keep it free from blemish. A man, however learned, but without a character, is poor indeed, and an object of pity. Sometimes people, by way of joke, and sometimes seriously, for want of better sense, speak disparagingly of lawyers. We regret that there are some who have disgraced their profession and should never have been in it; but these are extremely exceptional cases, and the good name of the profession should not be taken away or abused and slandered on account of a few black sheep. We are proud to know that we do belong or aspire to belong to an honorable and learned profession; both honor and learning are essential to its position, but we regard our honor as the more important, and it should be the endeavor of each one, by strict integrity of character, as well as careful study of the law, to maintain the honor and dignity of the legal profession, and to increase its usefulness and influence, and to be worthy of the great responsibilities committed to his charge."

In 1823, Mr. Edmund Carleton, then a tutor in the family of John C. Calhoun and residing in the city of Washington, wrote a letter to Rufus Choate, then the foremost lawyer of America, asking for the

views of the brilliant jurist on the subject of the education of lawyers, it being Mr. Carleton's intention to take up the study of the law. In due time the following reply was received. Mr. Carleton subsequently studied law and was admitted to the Virginia bar. He shortly afterward returned to his native town of Littleton, New Hampshire, where he practised his profession with much success:

Mr. Edmund Carleton, City of Washington, D. C.,
Care of Dr. T. Sewall.

SALEM, June 1, 1823.

DEAR SIR:—I have had an answer to your letter lying by me for a long time in the hope that Dr. Sewall would procure it from me, as I was unwilling to make you pay for what I am afraid you will hardly be able to read, or if you read will be of little service. But he has not written me since I received yours, and I should be uncivil to wait any longer. It gave me great pleasure to hear that you were so pleasantly situated at W., and to have it confirmed by yourself. Some of that young female society into which you have become introduced is among the most interesting that I have known, and your attachment to our much-loved New England must be a great deal stronger than even mine if you are not easily reconciled by it to at least one year's exile. Miss M— has fine powers of mind and very much feeling and character, and so has Miss R—, her Latin classmate. I feel a warm attachment to them both, and to the others of that circle, and may well thank them for some of the happiest moments of my life. May I ask you to present my respects with great affection to those of them who remember me? A niece of Dr. S—'s, E— C. W— is a special favorite of mine and of everybody. You know her too, I presume.

I am sorry to say, in reference to your suggestion as to the encouragement with which the law meets in the Eastern States, that I really do not think Massachusetts at least at all a promising stand for a young practitioner. As inevitably happens in every comparatively old community and in all kinds of business the profession is full to overflowing and starvation; and in this country particularly the complaint is general and earnest. The amount of professional business here varies very much with the condition of our foreign commerce, and lawyers and merchants grow rich or poor together. The latter are becoming insolvent, and looking to a war in Europe as a last and only chance for relieving their fallen fortunes; the former lounge in their offices, "pick clean teeth" and talk of the scarcity of clients and the still greater scarcity of fees and the neglect of merit. I suspect, how-

ever, that New Hampshire would furnish some very eligible situations. You can tell better than I. At any rate the fluctuations of a capricious and uncertain commerce affect its lawyers but little, and the people generally, I am inclined to fancy, are somewhat more litigious than in this well ordered, orthodox, exhausted neighborhood. But, after all, all situations are very much alike. The first years of a professional life—spend them where you will—must be years of hard labor and scanty revenue; so at least I shall surely find it, and then the money and the applause of one community are worth just about as much as those of another. Only we both love New England a little too sincerely, I dare say, to think that life would be worth anything away from it—unless, of course, we could pass it at the west end of the city of Washington.

I should be very happy to suggest anything that would be of service in the outset of your professional reading, but I very much doubt if I have thought enough about the proper course of study to be able. You will find much excellent matter, however, along with a great deal of bad taste, in Hoffman's course, the merely legal part of which is very well, the other, to you or any respectable Northern graduate, of little service. The letters on the study of the law, too, are worth reading, and a little book mentioned by Hoffman, and which I found in French's bookstore, Pennsylvania Avenue, is still better—the *Barrister*. It strikes me as liberal, scholarlike and highly judicious to lay a broad and deep foundation in the first place for a future course of historical reading that shall embrace the whole history of modern Europe. The common law is really of Middle Age growth, and its true essential spirit can never be well understood but by one who has lived much in feudal times, has mingled in the strifes and aided in the public councils and drunken at the feasts of that proud baronial aristocracy which shaped the first forms of government and the first forms of jurisprudence that were reared upon the subsiding flood of civil revolution and anarchy which had rolled over the Roman world. For this purpose Hallam's *Middle Ages*, and then Robertson's introduction to his *Charles V.* are the best and are indispensable. Then would naturally follow Hume's *England*, and then I should think one might plunge at once into the elementary writers on English common law.

It was a great mistake in my own course of reading that I passed Blackstone so hastily and superficially. He is the first author, and I really think that one or two years in the beginning would be well spent on him. The largest part of the first volume, though, the analysis of the English Constitution, is, as law, entirely useless; but you may work it very advantageously into your course of political studies along with De Lolme, *The Federalist*, etc. The rest of his four volumes, with the exception of a few chapters here and there, I should impress every word of it on my memory and let it serve as a sort of central point to which to refer and around which to dispose and arrange all your after acquisitions. Once fully master of this inimitable analysis and digest

of the English common law the rest of the course is easy and delightful, and you may ascend from his finished and perspicuous chapters into a minuter study of the several departments of that complicated jurisprudence without a single one of those feelings of perplexity and those vague, misty, bewildering and unsatisfying views with which, as Stewart somewhere remarks, we make our first acquisitions in every science. The first of these departments with which you will make it your business to form a more close and practical acquaintance than such a merely elementary writer as Blackstone can give you is the law of real property. Before beginning Cruise, someone calls it a good plan, and surely it is an admirable one, to review that part of Blackstone's second volume relating to it very attentively, and then part of his third on real actions and injuries to realty; then Sullivan's lectures, and then Cruise, with some considerable exceptions. After Cruise, if you know where you are to practise, the statutes and judicial decisions of the State Legislature and State Court are the subjects of your reading. Then follows personalty; but I dare say you are quite satisfied already. There is one observation, however, that I should have been glad to have had made to me at the outset of my legal studies. The alterations which English law has undergone here are very many and material, but I would not embarrass myself much with them for two years. Yet if they are pressed upon your notice in conversation, or by the office business, or if you light on them in books, the only possible way to retain them for after purpose is to enter them under their proper titles in a commonplace book. I would certainly therefore procure one.

I shall always be happy to hear from you on the subject of professional studies, or any other, and it will give me great pleasure to see you once more, if your plans of life bring you this way again in New England. With much esteem, sir, and the best wishes, yours, etc.,

RUFUS CHOATE.

A few months ago a package of letters was discovered in an old desk in the garret of a Washington residence. The package contained letters from Daniel Webster, William Wirt, John C. Calhoun and Senator B. W. Leigh. These letters were replies received by a member of the family two generations ago in answer to a request for the views of these men on the subject of the education of lawyers. They are as follows:

(FROM WILLIAM WIRT.)

WASHINGTON, July 22, 1822.

SIR:—I regret extremely that I have to answer your very polite and obliging letter of the 3d inst. *currente calamo*. It arrived while I was absent on a professional tour, and I have returned only in time to equip myself for an expedition to the Bedford Springs in Pennsylvania, rendered necessary by the state of my health.

It is not entirely certain whether I shall myself be a resident of this place at the close of the next winter, the earliest period at which you speak of being here. I have some thought of moving to Baltimore before that time. In this uncertainty I can only say that if I should be here, and your inclination hold, I shall be very happy to receive you as a student and to assist you with my opinion in the direction of your studies.

The plan of study which I have used has depended on the time which the student proposes to devote to it. For every plan, however, Blackstone (see page 32 of this volume) is the best introductory author, as opening to the student all the original sources of his science, beside giving him a clear and comprehensive view of its present state. In all studies, historical, political or any other, dependent for their system on the march of mind, a synopsis like that of Blackstone is of great value. Geography, for example, is best taught by stamping in the first place on the mind the great outline of the different countries, and their relative position toward each other. The details are afterward encountered with more intelligence, and consequently with more enjoyment, for the student at every step knows afterwards of his whereabouts with relation to the whole, and is no danger of being bewildered or confounded by the apprehension of interminable labor or an inexhaustible labyrinth. So it is with the law. Blackstone, therefore, thoroughly understood, I direct the attention of the students in the next place to the great sources from which all the laws of civilized countries are derived, and take them through the following course, which is enlarged or contracted in proportion to the time they have to bestow on their preparatory studies: 1st. The law of nature and nations, Rutherford; and, if there be time, Grotius and Vattel. 2d. The Roman Civil Law, Brown's *Lectures*; and, if time, the references in the *Corpus Juris Civilis*, as they are made by Brown and Huber's prelections. 3d. The Common Law (see page 29 of this volume) Bacon's *Abridgement*, as the text-books, read with references. 4th. The Statute Law and State Decisions of the residence and contemplated place of practice of the student. This course, particularly the latter part of it, should be combined with a regular attendance on the rules of court in some well-kept clerk's office, with the advantage of drawing declarations and pleadings in the office of some regular and

extensive practitioner, with the study of Chitty's *Pleadings* and Espinasse's *Nisi Prius*, which should be familiar to the student.

I have said nothing of historical studies, belles-lettres, composition, reciting paragraphs from poets, and debating, though I deem them all essential in the preparation of an accomplished advocate. Regular days should be set for composition, and the compositions should be submitted to the best critic of whom you can make a friend. You should inflame your emulation by the frequent study of Cicero's *Orator*, and of his *Brutus* above all, and imagine yourself to belong to that splendid galaxy of Roman orators which he there displays. Quintilian's *Institutes*, too, should be thoroughly studied, and the dialogue *de causis corruptæ eloquentiæ*, the work, I believe, of the same author, but which has been incorrectly published with the works of Tacitus. The letters of Pliny, the younger, especially those to Tacitus, with the orations of Demosthenes, Cicero, Erskine and Lord Chatham. I do not mean that these should be read merely, but that they should be studied and analyzed according to the model which Mr. Blair has furnished for Cicero's *Action for Cluentius*.

These exercises, with a debating society, under the direction of an experienced man of vigorous intellect and correct taste, accompanying your law course, will diversify your employments most agreeably and usefully, and recreate and cheer you on your ascent up the arduous steep which leads to the temple of the goddess you so properly worship.

I beg you to excuse this scrawl, the effect of haste, and believe me, with warmest wishes for your success,

Your obedient servant,

WILLIAM WIRT.

(FROM DANIEL WEBSTER.)

WASHINGTON, February 18, 1823.

To THOMAS J. JOHNSTON, Esq.

SIR:—Before I left home I received yours of the 21st of November, in which you very flatteringly ask my opinions on some subjects connected with professional studies. It is unfortunate for you, my friend, that you are your own solicitor in this cause, since your manner of asking for that which you say you need shows that you do not need it. It is quite obvious that you have both employed your own thoughts and had the benefit of those of others upon the subjects about which you write. I shall only venture to enclose you a copy of a paper exhibiting a course of study which has been generally pursued by students under my care. It is substantially a good course, and if it shall suggest anything useful to you I should be glad. (The list here referred to by Mr. Webster has unfortunately been lost.) Our profession, my friend, is

a noble profession, and our country more than all others favorable to its respectability and advancement. Free institutions afford the atmosphere and aliment for good lawyers, and good lawyers have proved themselves, in all times and countries, the most strenuous as well as the most intelligent supporters of free institutions. Let us all endeavor to requite our country for the blessings she bestows on us.

Yours, etc.,

DANIEL WEBSTER.

(FROM JOHN C. CALHOUN.)

The date of this letter is three years subsequent to that of the others, and was evidently written for the information of a young friend of the recipient.

WASHINGTON, March 20, 1826.

DEAR SIR:—It at all times affords me much pleasure to render any aid to youths seeking information and improvement, and I only regret my incompetency to advise your young friend on a general course of reading on law and jurisprudence.

I remained only two years at the bar, and have not read law books in twenty-five years, so that I am far in the rear of the profession as it now stands. But I would say to your young friend, study attentively all the best elementary treatises, be assiduous in his attendance in court, and attentive to the routine of office. He will of course make himself master of the practice laws of the state where he intends to practise, But no previous attention can supersede the necessity of the minutest and closest attention to the cases he may undertake, after he is admitted to practise, both as to the facts and law. On this point the success of a lawyer mainly depends. The study of particular cases is better calculated than anything else to give full and accurate legal knowledge.

As to history, he will, of course, study all the ancient classics, to be followed by Gibbon's *Decline and Fall of the Roman Empire* to which the history of England (see page 29 of this volume)—and that of our own country—ought to succeed. Both ought not only to be read but studied. Add to these some good general history, and a foundation will be laid which may be built on from time to time by reading at leisure the histories of the more celebrated states of modern times. With respect, I am

J. C. CALHOUN.

THOS. J. JOHNSTON, Esq.

Senator B. W. Leigh, of Virginia, also wrote a reply, giving a course of study in law, history, politics and literature. His estimate of the value of a knowledge of the Bible to a lawyer is given on page 27 of this volume.

The following is a letter from Chief Justice John Rutledge to his brother, Edward Rutledge, then a student of the Temple, in London. John Rutledge, Governor of South Carolina in the Revolutionary period, Judge of the State Court of Chancery, Associate Justice of the Supreme Court of the United States, and chief Justice of South Carolina, was born in 1739. He was a student of the Temple and commenced practice in Charleston in 1761. He was eminent as an orator and practitioner. He died in 1800.

DEAR EDWARD:—Be constant in attending the Chancery out of terms and when there are no sittings at Nisi Prius in London or Westminster; for I would prefer attending the King's Bench and sitting of the Chief Justice (Lord Mansfield) of that Court at Nisi Prius, when they are held: and remember what I hinted to you of attending alternately in the different Courts by agreement between you and some of your intimate fellow students, and then of comparing and exchanging notes every evening; by which means, if you select your proper acquaintances, in whose judgment you can rely, you will have the same advantage as if you attended all the Courts in person.

You should attend the House of Commons constantly. I would not have you a dabbler in politics. What I intend is that you may have opportunities of seeing and hearing the best speakers and of acquiring a good manner and proper address.

You must not neglect the classics: but rather go through them from beginning to end. I think that you had better get a private tutor, who will make you in six months, at your age, better acquainted with them than a boy in school generally is in seven or eight years. Read occasionally the purest English authors, to acquire an elegant style and expression. (See page 19 *et seq.* of this volume.)

What different impressions do the same sentiments make when conveyed in different modes of expression; but for a man who speaks in public, whose business it is not to be content with barely proving a

thing by dull argument—after having wearied out his hearers with bad language, and a deal of tautology, and if he has said some good things has buried them in rubbish; but to engage the constant attention of his hearers, to command it, and to carry immediate conviction along with him.

The history of England should be read with great care and attention; all the different writers of that history read and compared together. (See page 29.) Stock yourself with a good collection of law maxims, both Latin and English: they are of great use. (See page 30.) Make yourself familiar with all the terms of the law.

PART II.

“ Biography is by nature the most universally profitable, universally pleasant, of all things, especially biography of distinguished individuals.”—Carlyle.

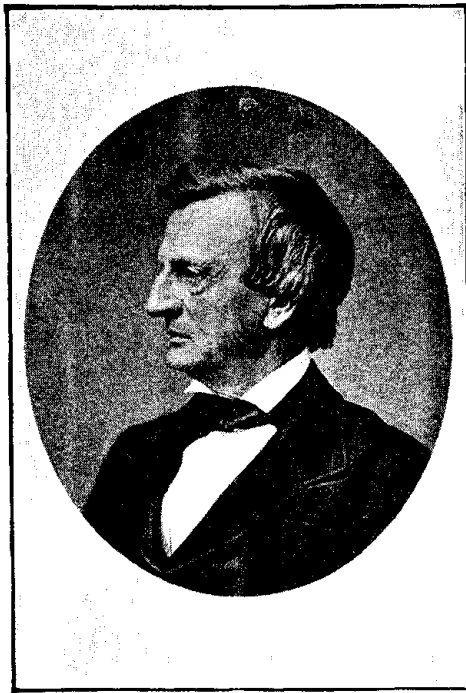
“ There can be no pleasure in this study, no success in its practice, unless excited and sustained by an ardent desire to excel. The highest eminences of the profession should be constantly kept in view. Every student may not, indeed it is certain that it will be the lot of few to reach them. Let him keep his eye on the examples of the men, living and dead, who have climbed the steep and rugged path before him. He will not fail to mark, almost without exception, the arduous self-training and single devotion to the business of their lives. His shaft will not fly the worse for being aimed at the highest point. A lofty—and is it not an honorable?—ambition can alone sustain that close, unwearied and patient mental toil, year after year, which is necessary to qualify him to take his place in the rank of the foremost, to serve his country and his fellow-citizens with ability and to be an honorable and useful man.”—Judge Sharswood’s *Law Lectures* (1870).

NOTE.

Within the confines of a volume of this size it would be obviously impossible to present even the crudest outlines of the careers of any considerable number of those lawyers of to-day that have arrived at the proud distinction of being ranked among the "leaders of the American bar." From a list therefore of a hundred or more names of American lawyers, each almost to an equal degree entitled to be classed under this heading, the author has selected the names of 17 practitioners, whose biographies are given in the following pages; the selection being based not on the fact that the lawyers mentioned tower above the remaining 83; but on the fact that their life-stories happen to contain material that will be of especial interest and value to the ambitious and earnest young men for whose instruction and guidance this volume was written.

Valuable works of legal biography are the following; any of which will be supplied at regular publishers' prices by the Knickerbocker Publishing Co., 14 Vesey Street, New York.

Flander's *Lives and Times of the Chief Justices*, \$6; Campbell's *Lives of the Chancellors*, 10 vols., \$17 50; Campbell's *Lives of the Chief Justices*, \$7; Van Santvoord's *Lives of the Chief Justices*, \$3 50; Forsyth's *History of Lawyers*, \$1 50; Proctor's *Lives of Eminent Lawyers*, 2 vols., \$6; Erskine's *Speeches*, \$8; Curran's *Speeches*, \$4; Choate's *Speeches*, \$2 25; Webster's *Great Speeches*, \$3; *Great Speeches by Great Lawyers*, \$5; Donovan's *Modern Jury Trials and Advocates*, \$4 50; *Life and Speeches of Thomas Corwin*, \$3 50.



William M. Evarts.

WILLIAM M. EVARTS,

OF NEW YORK.

UNTIL his retirement from active practice, a few years ago, William M. Evarts was for many years unquestionably the leader of the New York Bar. He was born in Boston, in February, 1818, and at the age of nineteen was graduated at Harvard College. At college he ranked first in the study of English literature, logic and oratory. Indeed his subsequent success in his profession he attributes in large measure to the careful training he received in these subjects while at college. Soon after graduating at Harvard he came to New York city, and was at once thrown into contact with the very foremost lawyers of that day: among these was Charles O'Connor, against whom he was pitted in the noted Lemmon case, and over whom, in this and several other cases, he triumphed. Other cases of national interest in which he was victorious were the Impeachment Trial of Andrew Johnson, the Geneva Award case, the contest before the Electoral Commission to decide as to whether General Hayes or Mr. Tilden had been elected President of the United States, and the case of Tilton vs. Beecher.

In the interim of these important cases, victory in any one of which would suffice to give a man national and lasting reputation, he served as Secretary of State in the cabinet of President Hayes and as Attorney General of the United States. He also received the high legal honor of an election as a United States Senator. Profound legal learning and logi-

cal powers are the qualities which have chiefly aided him to attain the enviable position he holds to-day.

A few years ago the following pen picture of Mr. Evarts appeared in one of the New York papers: "In that pale and almost emaciated face, that fragile enwrapment of body, which seems shaken with 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 among men, called William M. Evarts. He looks like a man whose whole soul has burned up with its own intensity till all that was inflammable was exhaled, leaving a thin asbestos body and a face lit up with great, weird, far-seeing eyes. He seldom laughs; but he is not ungenial, only so immeasurably in earnest that he has no time to laugh."

Almost contemporaneous with Mr. Evarts were William A. Beach, James T. Brady and Benjamin F. Butler. William A. Beach, the noted criminal lawyer who was cotemporaneous with James T. Brady, was, like the latter, fortunate in the environment of his boyhood home. His father, being a man of keen perception and scholarly attainment, saw early in his son's life evidences of native talent for oratory and the law. In accordance with his advice, therefore, young Beach laid the foundation for his superb oratorical powers by a close application to the study of three books: the Bible, Bunyan's *Pilgrim's Progress* and Shakespeare. James T. Brady had the rare good fortune to be the son of a successful lawyer in active practice. Beginning his law studies in his father's office, he possessed the advantage of the latter's special direction and guidance. The success of the late

Benjamin F. Butler was due to his large legal learning, his wonderfully retentive memory, his powers of sarcasm and invective, his keen, ready wit, and his fertility in resources. He began life in comparative poverty and obtained his early education at the common-schools, securing by manual labor the means whereby to pursue his college course.



Joseph H. Choate.

JOSEPH H. CHOATE,

OF NEW YORK.

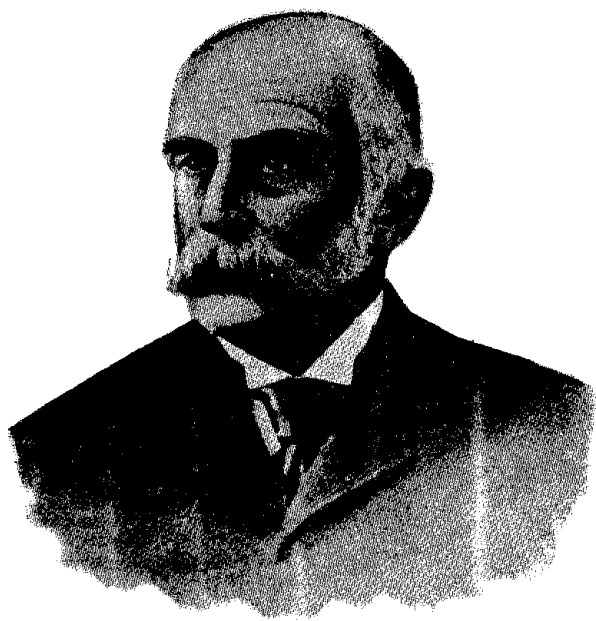
MR. CHOATE is, admittedly, the greatest jury lawyer in the United States. He was born in Salem, Mass., about sixty-one years ago; but with his heavy chestnut hair, his unwrinkled face, his tall graceful figure, and bouyant step, he does not appear to be much more than forty-five years of age. A writer in a recent number of *Munsey's Magazine* says:

"Men are great comparatively. Rufus Choate never had to strike the pace that a lawyer must strike to-day to hold first place in the metropolis. There are vastly more skilful fighters now to measure swords with than in the days of the elder Choate. The demands upon one are incalculably greater. The practice of the law is reduced to a finer science. It calls for wider reading, a better knowledge of affairs, and a more subtle reasoning. The responsibility, with men of highest grade, is augmented a hundredfold. Millions and tens of millions are now the stake for battle. The warfare is conducted on broad lines. The best legal skill is enlisted. Money without stint is thrown into the balance. Not one, not two, but half a dozen of the keenest minds must one face in the conduct of an important case. His associates cannot help him. He must force the fight alone—one man against six; one cool, clear, certain mind against six.

"It is in scenes like this that 'Joe' Choate has won his greatest laurels. Here he has no equal. If Rufus Choate could come back, and, at his best, meet

Joe in the arena, he would probably have to acknowledge that in his young cousin he had at last found an antagonist with whom he could not cope.

“Choate fixes upon the salient point of a case and makes that the basis of his argument. He thinks that cases should not be decided on insignificant details. The common sense of the thing, sustained by good law, is his telling weapon. He makes far less use of citations than other lawyers. He is a student of people and affairs, as well as of Blackstone. His inimitable humor, the keenness of his satire, the blandness of his voice, the charm of his smile, and his matchless mastery of himself and of his theme make him the peerless advocate of the bar. There are more profound students of the law than Choate, but they are not the verdict winners. Choate ‘gets there’ ; he has the habit of being in at the finish, and the man who is in at the finish is the man on whom we are wont to bank. This is why Choate has the largest income from the legitimate practice of law of any member of the American bar.”



James C. Carter.

JAMES C. CARTER,

OF NEW YORK.

JAMES C. CARTER, who shares with Joseph H. Choate the reputation of "leader of the New York Bar," is the son of Solomon and Elizabeth White Carter, and was born October 14, 1827, at Lancaster, Mass. From the Derby Academy at Hingham, Mass., he entered Harvard College with the class of '50. While there he joined the "Institute of 70," the Hasty Pudding Club, and the Alpha Delta Phi Fraternity. At college he won prizes for dissertations in Latin and for English essays. He was graduated in 1850 an A. B., and later, after three terms in the Harvard Law School, an LL.B.

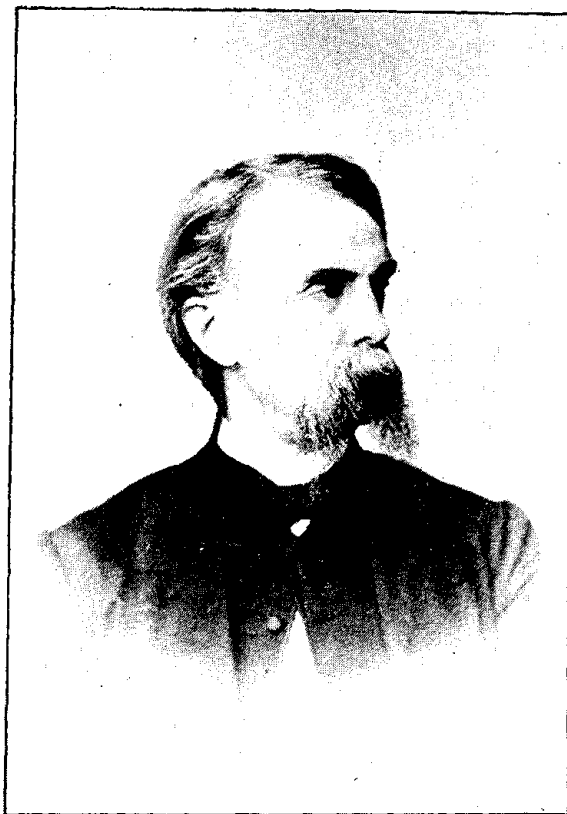
In 1885 his Alma Mater conferred on him the honorary degree of LL.D. Since his graduation, he has, from time to time, written monographs which are well known to every lawyer. The most important of these are *The Attempted Codification of the Common Law*; *The Province of the Written and Unwritten Law*, an address before the State Bar Association of Virginia in 1889; and *The Ideal and the Actual in Law*, delivered before the American Bar Association.

No banquet or gathering of distinguished lawyers in recent years has been complete without his presence, and his ready wit, tact and fine oratory have been a subject of national comment. Until a few years ago a staunch Republican, the trend of National politics has constrained him to independent action in politics, and he is now numbered among

those intelligent and conscientious citizens who rejoice in Mr. C. A. Dana's contemptuous epithet of "Mugwump." To his remarkable quickness of comprehension, his decision and his unsurpassed logical powers is due in large measure his great success. He is a member of the Metropolitan, Harvard, Century, City, Union League, Down Town, University and Alpha Delta Phi Clubs, the Bar Association and the New England Society.

At a recent dinner of the Law Students' Debating Society, held in London, one of the invited guests, Mr. F. O. Crump, Q. C., said, in response to the toast "the Bench and Bar," that law students should cultivate not merely the power of debating, but also the highest flights of oratory. He referred to the fact that in the Behring Sea arbitration, conducted in Paris, Mr. Carter, the United States leading counsel, had addressed the court for eight hours a day for six consecutive days, and at its close Baron De Courcel, the president of the court, had paid him perhaps the highest compliment ever paid to any advocate. Mr. Crump suggested that, unless the English bar study the art of public speaking more assiduously in all its branches, the American lawyers would surpass them as orators.

Mr. Carter is a bachelor and the head of the firm of Carter and Ledyard, his partner being a nephew of Lewis Cass. Such is Mr. Carter's reputation for logical argument that it has been said of him that, once grant his premises and you are bound to accept his conclusions.



Clarence A. Seward.

CLARENCE A. SEWARD,

OF NEW YORK.

PRESIDENT of the oldest and strongest social organization in the United States, the Union Club of New York, of honored name, made even more honorable in our day by his own life and career, it may be safely said that the career of the Hon. Clarence A. Seward combines all the best qualities that may be found among those who have attained success in the great financial, social and intellectual center of the country.

He was born in New York City in 1828 and is of Welsh and Irish ancestry. Being left an orphan he was adopted by his uncle, the Hon. Wm. H. Seward, afterwards Lincoln's Secretary of State, and was prepared for college at Cooperstown and Auburn, N. Y.

Entering Hobart College he became a member of Alpha Delta Phi and was graduated with the degree of B.A. in 1848.

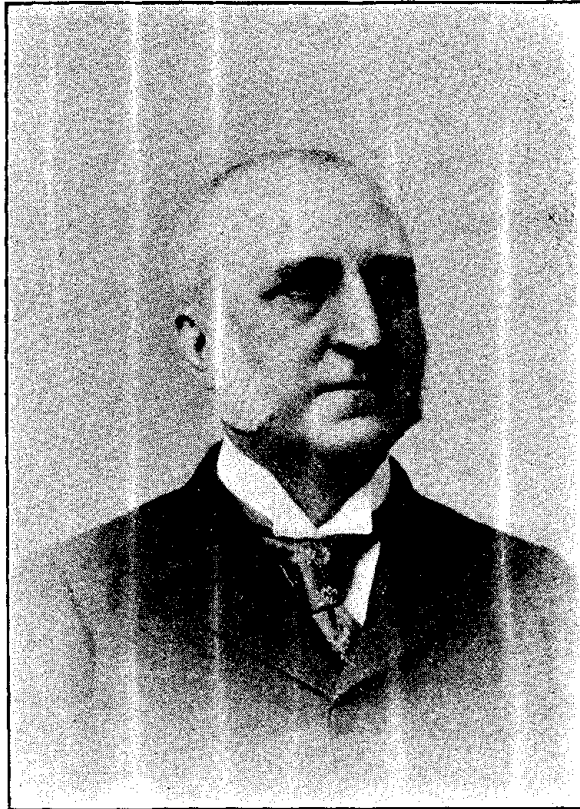
In 1871 he was granted by his Alma Mater the highest of all degrees, the Doctorate of Laws. Recognizing the great opportunities of a large city, Mr. Seward returned to New York to begin the practice of his profession. He soon became a partner of Mr. Samuel Blatchford, late Justice of the United States Supreme Court, which partnership continued until the latter was elected to the Bench. Mr. Seward's success has been so continuous that his name has been prominently mentioned for appointment to the United States Supreme Court. While his capacity and fitness were everywhere ac-

knowledgeed, he could in no way be induced to allow his friends to work in his behalf.

Though entirely devoted to his profession Mr. Seward's talents have occasionally been diverted to matters of diplomacy. After the attempted assassination of Wm. H. Seward he was called to Washington as Assistant Secretary of State.

Always a Republican, he has been a delegate to State and National conventions, and was one of the electors on the Garfield and Arthur ticket. He was also for four years Judge Advocate for the State of New York.

Though somewhat modest and retiring, but always felicitous in manner, speech and judgment, Mr. Seward until a few years ago was a member of many clubs. From many of these organizations, however, he has resigned, retaining his membership to-day only in the Union, New York Yacht and Mendelssohn Clubs, of New York, and the Somerset Club, of Boston. He is at the head of the well-known firm of Seward, Guthrie, and Morawetz, which figured so prominently in the recent attack on the "Income Tax Law" before the United States Supreme Court.



Chauncey M. Depew.

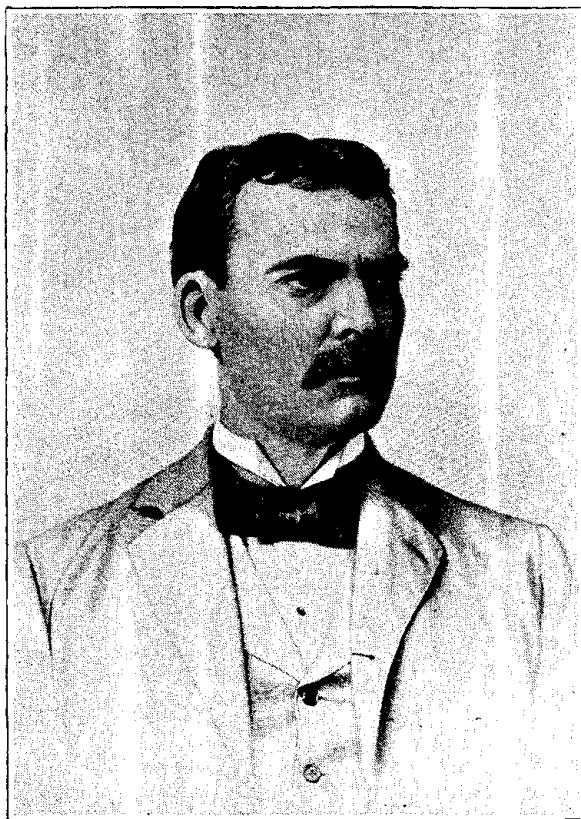
CHAUNCEY M. DEPEW,

OF NEW YORK.

THE town of Peekskill, N. Y., will always be celebrated in American history as the birth-place of the most representative American citizen of the nineteenth century's last decade, Chauncey Mitchell Depew; the successful lawyer, the masterful orator, the versatile man of affairs. Here he was born in 1834, the son of Isaac and Martha Mitchell Depew. His father was of Huguenot extraction. His mother, a beautiful and accomplished woman, was the grandniece of Roger Sherman, Signer of the Declaration of Independence.

Her grandfather was the Rev. Josiah Sherman, and her father, Chauncey R. Mitchell, was a distinguished lawyer. The Depews settled in the vicinity of New Rochelle, N. Y., in 1685, and the farm purchased by the family in those early days has descended to and is now the property of "Chauncey." He was graduated with honors at Yale in 1856. While at college he received the much coveted honor of an election to "Skull & Bones." In 1858 he was admitted to the bar. Early in his career he played an active part in the political affairs of his district, and in 1861 he was elected to the Legislature, being re-elected the following year. In 1863 he was elected Secretary of State of New York, and later was tendered, by Secretary of State Seward, of Lincoln's Cabinet, the post of Minister to Japan, an appointment which he declined. In 1866, his marked ability as a lawyer having attracted the attention of

Commodore Vanderbilt and the latter's eldest son, Mr. W. H. Vanderbilt, Mr. Depew was appointed Attorney to the N. Y. & Hartford R. R. Co., and in 1869, when this Company was amalgamated with the N. Y. C. & H. R. R. Co., he was made attorney to the newly organized company, and a member of its Board of Directors. In 1875 he was installed as General Counsel to the Vanderbilt system. The year previous he had been elected Regent of the University of the State of New York. On the retirement of Mr. Vanderbilt from the Presidency of the Road, in 1884, Mr. Depew was made Vice-President, in the place of Mr. Rutter, who had been promoted to the Presidency, and in 1885, after the death of the latter, Mr. Depew was elected President of the great corporation. He has repeatedly declined exalted political offices, among them that of Secretary of State. Such, in crude outline, is the career thus far of this unique figure in the legal, political, industrial and social life of two continents; a man to whom may fittingly be applied Dr. Hudson's characterization of Daniel Webster: "the crown and consummation of American manhood and intellect."



Charles L. Buckingham.

CHARLES L. BUCKINGHAM,

OF NEW YORK.

THOSE distinguished counsellors that day after day are engaged in the conduct of cases involving the validity of wills, and other matters which the ordinary lay mind can readily grasp and which it therefore imagines to be always of transcendent importance, have by the frequent reports of these trials in the daily press attained such prominence that their names are household words.

But there is another class of lawyers, few in number it is true, whose names seldom appear in the daily newspapers, but who nevertheless have intrusted to their care cases involving millions of dollars, and calling for the exercise of almost infinite professional skill and profound legal and scientific knowledge.

Naturally, the number of men possessing the native ability and power of application necessary to great success in so exacting a vocation is extremely limited; and for this reason the elect few reap such financial returns and professional glory as to make them the envy of their less fortunate brethren.

Of this class there are perhaps four or five from whom it would be difficult to select any single one as the "leader;" but it would not be very far from truth to say that Charles L. Buckingham stands as well to the front of his profession as any other New York practitioner.

Mr. Buckingham was born at Berlin Heights, Ohio, October 14, 1852, a direct descendant from

Thomas Buckingham, who emigrated to Boston in 1637, and who was the founder of New Haven and of Milford, Conn. He obtained his early education in the public schools of his native town, and at the age of nineteen entered the University of Michigan, where he was graduated in the class of 1875. During his college course he showed marked proficiency in mathematics and mechanics and the natural sciences, and after graduation was appointed Examiner in the United States Patent Office, attending at the same time the Law School of Columbian University at Washington, D. C. He remained in the Patent Office until 1880, when he removed to New York City and became attorney for the Western Union Telegraph Company. In this position he has conducted many cases of vast importance involving patents of immense value; among them those upon the quadruplex apparatus and the electric stock printers. He has also appeared in notable cases where his technical knowledge and years of practical experience have served him well. These cases have covered patents on the telephone, electric light and railroads, and are of far-reaching importance to the electrical industries of the country. He has also appeared in cases involving the Tesla patents on the multiphase alternating motors, designed to transmit electrical power to great distances, as from Niagara Falls to Buffalo.

But aside from his success in this field he has demonstrated his ability as a general practitioner and counsel by his success as against some of the most distinguished lawyers in the country; among them Roscoe Conkling and David Dudley Field. He is now chief counsel for the Western Union Telegraph Company, the Schuyler Electric Light

Company, the Delaware and Atlantic Telephone and Telegraph Company.

His "Electricity in Daily Life" published in *Scribner's Magazine* (1889-90) was favorably commented on by the press, and subsequently published in book form. He is of a genial and magnetic personality and the many friends he makes he retains. There are extremely few men in New York City who have at so early an age attained so large a measure of success. He is a member of the Union and Metropolitan Clubs of Washington, and of the Ohio Society of New York.



John Cochrane.

JOHN COCHRANE.

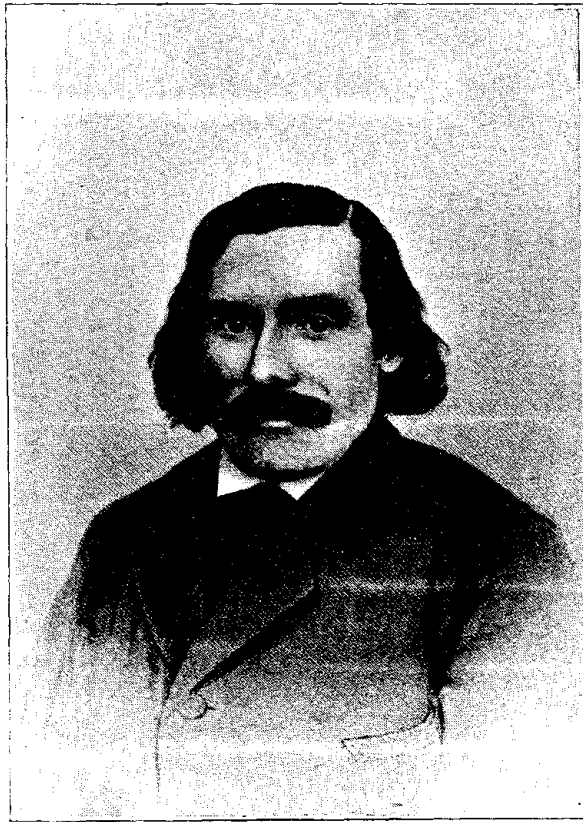
OF NEW YORK.

THE career of this distinguished lawyer has been such an eventful one that I can present, in this brief sketch, only the crudest of outlines.

Born at Palatine, Montgomery County, New York, 1813. *Father*—Walter L. Cochrane. *Grandfather*—John Cochrane, Surgeon-General of the Revolutionary Army. *Mother*—Cornelia W. Smith, sister of Gerrit Smith, of Peterboro, N. Y., philanthropist and abolitionist. *Grandmother on the paternal side*—Gertrude Schuyler, sister of Maj.-Gen. Philip Schuyler of Revolutionary fame. *Grandmother on the maternal side*—Elizabeth Livingston, eldest daughter of Col. James Livingston of the Army of the Revolution, who, by his timely shot, drove the British sloop of war, Vulture, from her mooring in the North River, thus securing the capture of Andre, effecting the discomfiture of Arnold's treason, and assuring the safety of West Point, the key of the Revolution. 1831—Graduated at Hamilton College. 1834—Admitted to the practice of law. 1846—Removed to New York city, where he has since continued to reside. 1853—United States Surveyor of the Port of New York during four years. 1857-1861—Representative in Congress. Two terms. 1864—Candidate for Vice-President of the United States on the ticket nominated by the Independent Republican Convention at Cleveland, O., with Gen. John C. Fremont candidate for President. 1861—Nov. 2d. Commissioned by President of the United States,

Abraham Lincoln, Colonel of the First United States Chasseurs. 1861—Nov. 13. Historic speech before his regiment in camp near Washington, in presence of, and with the approbation of, Simon Cameron, Secretary of War, insisting upon the arming of the slaves. The contemporary press announced it as the "Keynote of the War." Orders in some of the regiments of the Rebel Army were given afterward not to take Col. Cochrane prisoner but to shoot him, in battle. 1862 -- July 19. Commissioned by President Lincoln, Brigadier-General, Volunteers. 1863—Feb. 25. Resigned because of serious and severe physical disability. *Battles*: Fair Oaks, Malvern Hill, Antietam, Williamsport and Fredericksburg. 1863-5—Attorney-General of the State of New York. 1872—President of the Common Council of City of New York. 1872.—May 1-3. At the Liberal Republican National Convention in Cincinnati, as leader of the New York delegation, was chiefly instrumental in procuring the nomination by the Convention of Horace Greeley for President of the United States. 1869—Tendered by the President, U. S. Grant, the mission to Uruguay and Paraguay united—declined. Member of Chamber of Commerce of New York—resigned. Member of St. Nicholas Society of New York city—resigned. Sachem of Tammany Hall—resigned. Member of the Historical Society of New York—resigned. Chairman of Tammany Hall General Committee three years—resigned. Member of Military Order of the Loyal Legion of the United States, and President, one year, of the Commandery of the State of New York. Member and Comrade of the Grand Army of the Republic. Member of the Army of the Potomac. Member of the Sons of the Revolution.

But the honor which he probably prizes above all others is the distinguished one he now holds as President of the Society of the Cincinnati in the State of New York. In fact so thoroughly is the General identified with this organization that to mention the name of the Cincinnati suggests at once the name of Gen. Cochrane. A pamphlet recently issued by the Society has created much discussion. It was written by Gen. Cochrane in the form of a letter to the New York Society, and sets forth the unauthorized existence of a Cincinnati Society in France. Herein, also for the first time, the origin of the Cincinnati Society is ascribed to the reactionary effect of the celebrated *Newburgh Addresses*.



David S. Coddington.

THE LATE DAVID S. CODDINGTON,

OF NEW YORK.

THE *New York Herald*, in alluding to a speech of Mr. Coddington delivered at the meeting of the War Democracy in Cooper Union, November 1, 1864, on which occasion General Sickles also spoke, said: "But the gem of the occasion was the splendid speech of Mr. Coddington. We have heard nothing from the stump for many years superior to this oration. His keen, piercing style and the nervous energy of his statements and illustrations remind us of John Randolph; while his speech in its brevity, comprehensiveness and compactness suggests Calhoun."

David Smith Coddington was born in New York city in 1823, and was the third son of John I. Coddington and a lineal descendant of one of the oldest families of the country, tracing its lineage back to William Coddington, founder, Judge and first Governor of Rhode Island. John I. Coddington, father of David S., was a leader of the Democracy of his day, and was appointed Postmaster of New York by President Jackson, holding this position until the administration of John Tyler, who asked him to renew his bond; and while considering whether he would comply or not with this requirement he received the news that John Graham had been appointed in his place. At that time the Postmastership of New York carried with it so many perquisites that it was prob-

ably the most lucrative office in the gift of the President.

David S. Coddington began his studies at schools in New Utrecht and New Brunswick ; and when only fourteen years of age he entered Columbia College. A year subsequent he entered Union College as a sophomore, and remained there two years. Here he received the prize for elocution, and graduated, leaving behind him the remembrance of many a witty and epigrammatic saying.

While at Union he evinced a remarkable talent for elocution and great force and readiness in extemporaneous discussion. He therefore selected the profession of the law, and entered with George W. Strong, a distinguished lawyer of the old school, in whose office many eminent men now in practice have been students. Here, and later in the office of Slosson & Schell, likewise a famed resort for aspirants to the bar, Mr. Coddington completed his legal education, varying the monotony of professional study by an occasional votive offering to the muses, or contributing an article to the press.

At the age of 21 he was admitted to the bar ; and until the Democratic convention of 1848 he pursued ardently his studies as a lawyer, perfecting himself meantime in public speaking. Like many of the successful lawyers of to-day he evinced a warm interest in public affairs, being a Free Soil Democrat. He became leader of that wing of the Democracy which supported the Government during the Civil War, and was elected to the Legislature in 1861. Here he at once took foremost rank as a skilful and able debater.

On his return to the North, in June, 1865, from Charleston, whither he had gone to regain his fail-

ing health, his growing reputation as an orator was evidenced by the many invitations he received to address the people in different parts of the country on the ensuing Fourth of July. But his last oration had been delivered. He seemed to feel that his period of activity was over, and he retired to his favorite resort at Saratoga Springs to pass the summer. Here, very suddenly, yet not unexpectedly, he died on the morning of September second.

Mr. Coddington's reputation with the general public must depend on his achievements as an orator. His speeches are wonderfully compact, terse and elegant combinations of fact hurled at an audience with most effective eloquence. The most successful stump orator of this country, Tom Corwin, did not win greater triumphs in the Log-cabin Campaign of 1840 than did Mr. Coddington with his patriotic audiences of 1861.

One of his brothers, Jefferson Coddington, was also a successful practitioner; but being of an extremely retiring disposition he devoted himself to office practice and to the management as trustee of several very large estates. He was educated at Columbia College, and was possessed of fine intellectual endowments and a rare and accurate memory. It was the opinion of many well-known scholars of his day that few of his contemporaries were so thoroughly informed in the facts of American political history. He was always an earnest Republican, faithfully discharging the duties of a citizen but never seeking or desiring office. He was a member of the Union League Club. His death occurred in 1876.

Another brother, the eldest of the family, Jonathan I. Coddington, born in 1819, was also a successful lawyer, and at a very early age amassed a considerable fortune, which, however, was swept away by unfortunate speculation in Wall Street. He was an extremely popular man and a well-known figure in the fashionable life of his day, possessing a superb physique and standing six feet, six inches tall.



Henry Clinton Backus.

HENRY CLINTON BACKUS,

OF UTICA, NEW YORK.

HENRY CLINTON BACKUS was born in Utica, N. Y., May 31, 1848, and was taken to New York city by his parents in 1850. While a boy he attended one of the public schools of that city for six years, and also received a course of instruction for a time at a private school and under private tutors. Then, after pursuing a final preliminary course of study under Professor Wentworth, at Phillips Academy in Exeter, N. H., Mr. Backus entered Harvard University and was graduated, in 1871, as a Bachelor of Arts. Thereupon he completed the full curriculum of legal attainment offered in Columbia College Law School and in 1873 received his degree as a Bachelor of Laws: and his admission to the bar of New York occurred immediately afterward.

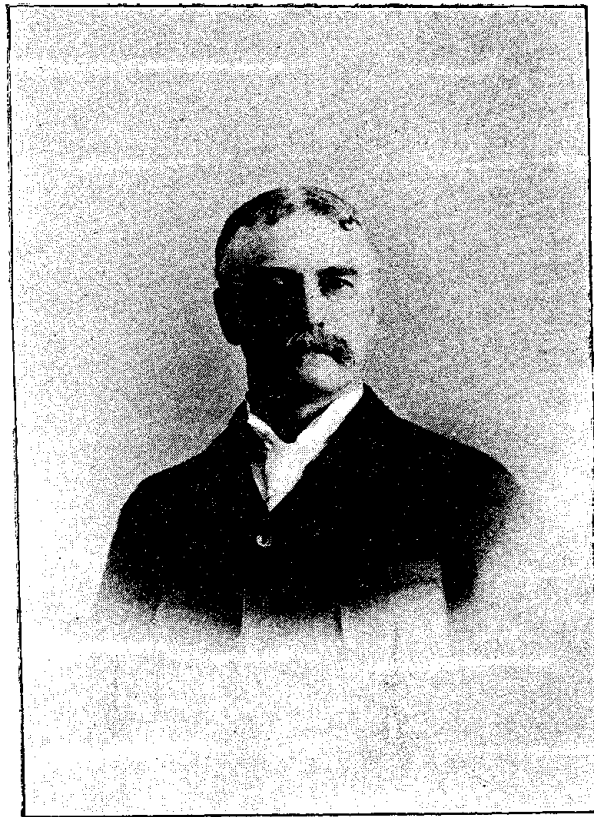
Mr. Backus' fondness for legal erudition and his keen perception of the limitless field of inquiry and accomplishment in the civil branches of the law led him early to seek the civil departments of jurisprudence as forming the preferable path for his professional career. Accordingly he connected himself, so soon as admitted to practise, with the office of Sanford, Robinson & Woodruff; and, a year later, with that of Beebe, Wilcox & Hobbs—at that time the leading firm in admiralty practice in this country.

His career as a lawyer has covered a large field, embracing almost the entire range of civil law; yet

he has devoted special study and attention to the law and practice peculiar to probate, domestic relations, corporations, realty, admiralty, constitutional problems and international rights and issues. The able, efficient and successful manner in which he has conducted legal controversies involving fine points in the law has secured him a prominent position in the profession, and demonstrated his remarkable faculty for analyzation. In fact all his professional work is conspicuous for clearness, for careful attention to detail and for thorough and vigorous presentation. He invariably treats opposing counsel with fairness and hearty courtesy and thus obtains the kindly regard of his professional brethren, which he holds; while in his relations to clients he has proven himself always scrupulously honorable and thoroughly zealous for their welfare and the advancement of their interests, and thereby he has won and retains their unlimited confidence. In legal circles Mr. Backus not only commands the respect of his colleagues at the bar but he also enjoys the esteem of the bench, his dignified course as a lawyer standing eminently free from all petty and unprofessional tactics and tricks and subterfuges and being uniformly marked by studious accuracy.

Although he has not pursued the practice of criminal law, yet his judgment, tact and energy saved without doubt the sacrifice of the life of an innocent man in the prosecution by the State of Kansas against one Baldwin for murder. Lack of space prevents a recital here of the facts in this interesting case. Suffice it to say that, after a sentence of death had been pronounced against the defendant Mr. Backus was called into the case, and by the extended legal research and learning adduced by him and embodied

in an appeal-book upon the case, by his astute ingenuity in arousing and enlisting the attention of the bar and the press of the entire State, and by his indomitable perseverance, he procured a hearing and inquiry from the Governor of the State and the unconditional pardon of the hapless convict.



Thomas Henry Edsall.

THOMAS HENRY EDSALL,

OF COLORADO SPRINGS, COLORADO.

DESCENDED from early English and Dutch settlers in America who were prominent in the colonial affairs of New York and New Jersey, Mr. Edsall was born in the city of New York, was educated at academies in New York and New England, was graduated from Brown University, A.B., in 1861, was commissioned Adjutant of the 176th regiment, New York Volunteers, in 1862, and served in the Department of the Gulf with his regiment, and on detached service at headquarters, until mustered out at the expiration of his term, near the close of 1863. He had begun the study of the law before entering the army, and after his retirement resumed his studies at the law school of Columbia College and in the office of O'Connor and Dunning. After having enjoyed the advantage of Prof. Dwight's legal inspiration and Mr. O'Connor's advice and suggestions in his studies, he was admitted to the bar in New York City in the spring of 1865. The year which ensued was chiefly spent in making researches and investigations for Mr. O'Connor in his preparations for the trials of the validity of Madame Jumel's will, the indictment against Jefferson Davis for treason, etc.; an invaluable experience and training for a young lawyer, which was supplemented a few years later by service, under the same eminent lawyer, as a junior member of the Bureau of Municipal Corrections organized by O'Connor and Messrs. Tilden, Evarts, Carter, Peckham, *et al.*, for the prosecu-

tion and punishment of the Tweed Ring. In 1866 he formed a law partnership with Theodore M. Davis, under the name of Davis & Edsall, which continued with a substantial practice until 1871. Then, after Mr. O'Connor's retirement from his long-continued partnership with Mr. Benjamin F. Dunning, was formed the well-known law firm of Dunning, Edsall & Hart—later Dunning, Edsall, Hart & Fowler—of which Mr. Edsall continued to be an active member until impaired health caused his removal to Colorado in 1886. Meanwhile he had been an interested student of the early history of New York and New Jersey, to which he made several contributions, an active member of the New York Historical Society, a member and trustee of the New York Genealogical and Biographical Society, for which he prepared several papers giving the results of his genealogical researches; one of the founders and Vice-President of the New York Society of the Sons of the Revolution, and one of the organizers of the University Club, in which his membership continues. On his removal to Colorado he first settled in Greenwood Springs—then one hundred miles from any railway and west of the continental divide—where he spent several years in special practice as attorney for new railway, coal, land improvement and mining companies formed to open up and develop the resources of northwestern Colorado. In 1890, with restored health, he came out from the mountains and formed a law partnership with Judge A. E. Pattison, of which Mr. Henry W. Hobson afterwards became a member, constituting the present law firm of Pattison, Edsall & Hobson, of Denver and Colorado Springs, Colorado, which has an extensive general practice. Mr. Edsall resides in Colorado Springs

and is general counsel for a number of railway, mining, irrigation, etc., corporations operating in Colorado, Utah, Idaho, Wyoming, New Mexico and Texas, and director and officer of several of them. He is a Member of the Loyal Legion of the United States, the Holland Society of New York, the leading clubs of Denver and Colorado Springs, and President of the Country Club at the latter place.



F. Carroll Brewster.

F. CARROLL BREWSTER,

OF PHILADELPHIA.

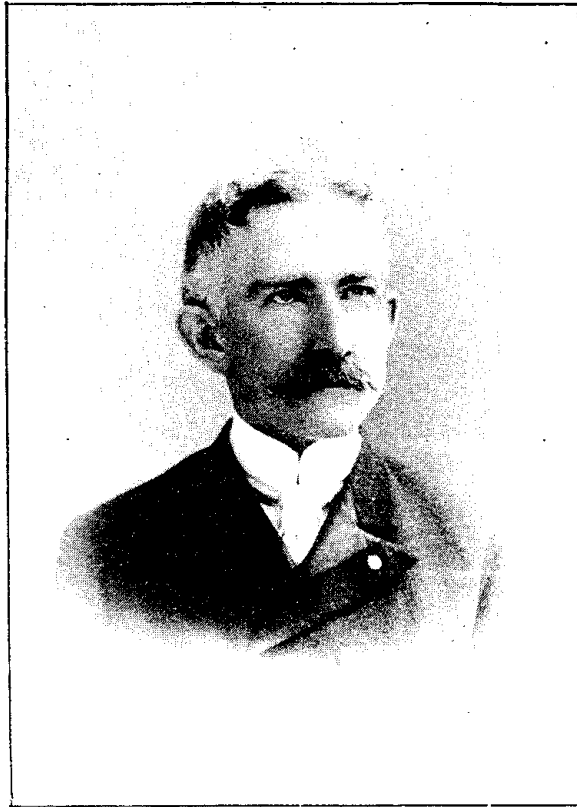
No man has been more intimately identified with the history of the bar in Philadelphia in the last twenty-five or thirty years than ex-Judge and Attorney-General Frederick Carroll Brewster. In one direction he has exerted an influence like that of Socrates himself—the impartation of the principles he found valuable to himself to young men following after, so that it may almost be said Judge Brewster will be perpetuated, personified and exemplified in the younger members of the bar who have been his students.

Born in the old city proper, his boyhood was bright and promising in intellect. From the careful tuition of the Friends' School he went to the University of Pennsylvania, of which Rev. Dr. Ludlow, father of Judge Ludlow, was Provost, and graduated at 16 years of age. William Henry Rawle and Horatio Gates Jones were among his classmates. He was for several years President of the University Alumni, and the orator at the laying of the cornerstone of the buildings in West Philadelphia. Upon leaving the university he entered his father's office, and in 1844 was admitted to the bar.

His advance was phenomenal, and his first great criminal cases were red-letter days in his legal life. The Cunningham murder trial, in which he established that apprehension of the intention of an assailant to inflict bodily harm is sufficient cause for self-

defense to the extent of taking life, the acquittal of Lenairs and the wonderful management of the Kirkpatrick poisoning case, all helped to establish young Brewstew as an advocate of the highest distinction. His success in the contested election case between William B. Mann and Lewis C. Cassidy was even more important, and then his acquittal of the president of the collapsed Pennsylvania Bank proclaimed him to the profession as one of the greatest masters of pleading and one of the most learned of them all in the law. Since then justices of the Supreme Bench have acknowledged the soundness of his arguments, and students of the law have found that his opinions were better than the books. His greatest triumph, perhaps, was in establishing the validity of the bequests of Stephen Girard to the city of Philadelphia, and so much is owing to his efforts in that direction that whoever have derived benefits from the Girard bequests should take off their hats to Judge Brewster when they meet him.

His entrance into public life was his election as City Solicitor, and in 1869, 1870 and 1871 he was Attorney-General of the State.



Henry C. Terry.

HENRY C. TERRY,

OF PHILADELPHIA.

HENRY C. TERRY is a lineal descendant of William Bradford, who came over in the Mayflower, and who was for thirty-one years annually elected Governor of Plymouth Colony. Mr. Terry was born in Philadelphia, March 17, 1846. His father had been possessed of large means till the breaking of his Southern business connections by the civil war. He afterwards removed to Woodbury, N. J., where his son pursued, almost unaided, those studies which fitted him for entering his profession. As a youth, during his school days, Mr. Terry held front rank as a debater and elocutionist, and when scarcely sixteen years of age gave evidence of unusual dramatic ability in performing the titular role in Knowles' drama of "*William Tell*." He enacted the character in such a manner as to attract the attention of that noted tragedian, the late Edwin Forrest, who advised him to adopt the stage as a profession. He had set his hopes of distinction, however, upon the bar, and in 1863 returned to Philadelphia, where he entered upon the study of law in the office of Frederick Carroll Brewster.

Some time before he reached the age of 21 years Mr. Terry passed his examination and was qualified to practise, but as under the law he could not be admitted until he attained lawful majority he was not sworn in until March 16, 1867, the day he became of lawful age. Immediately thereafter he became

an assistant to the late Judge Lynd, then City Solicitor, and continued with him until 1869, at which time he officed for himself and began a career which attests the ability he brought to the performance of his professional labors.

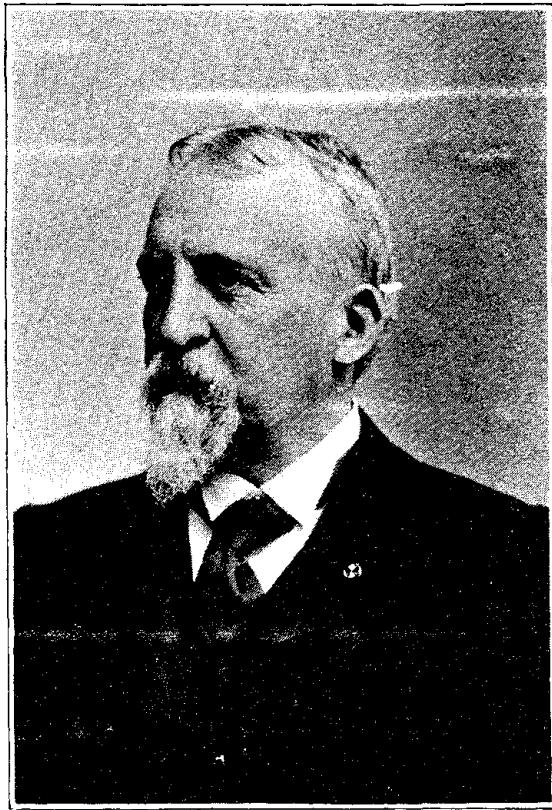
While mainly concerned in litigation in the County and United States Courts in Philadelphia and in adjoining counties, and in the Supreme Court of Pennsylvania, he is well and favorably known to the bench of New Jersey, the Supreme Court of the United States and the Court of Claims at Washington. His most notable successes have been in cases for and against corporations, though he has a large mercantile and Orphans' Court practice.

In the suit of the "Kensington and Oxford Turnpike Company" against the city of Philadelphia—an action brought to free from toll a road through a populous and fast growing portion of the city—he opened for municipal improvement property belonging to the principal stockholders in the plaintiff corporation, and valued at upwards of \$3,000,000, receiving from his clients a fee, which was contingent upon success, of \$50,000. In damage cases against railroad companies he has been remarkably successful, the Supreme Court at its 1887 term affirming a verdict for \$10,000 for the loss of the hand of a little child, occasioned in passing between the coupled cars of a train. This was then the largest verdict for personal injuries to a child ever paid in the county of Philadelphia.

He recently, in the Dobbins' Electric Soap case, pending in the New Jersey Courts of Errors and Appeals, successfully established his clients' title to their trademark, valued at \$1,000,000, against some of the most eminent members of the New Jersey and

Pennsylvania bars. He organized and has always been Solicitor for the Berwind-White Coal Mining Co., of Pennsylvania and New York, the largest bituminous coal company in the United States, if not in the world; the Ocean Coal Co., of Philadelphia, Philadelphia Coal and Coke Co., West Philadelphia Coal Co., Elk Run Co., Punxsutawney Coal and Coke Co., Eureka Supply Co., and other corporations of Pennsylvania, New Jersey, New York, and Colorado, and is solicitor for various other coal companies and corporations in Pennsylvania and several other states and for many private business firms. He has within a few weeks successfully appeared in a novel case, settling some very important questions of Pennsylvania corporation law regarding the rights of minority stockholders to cumulate their votes in the election of directors of a manufacturing corporation (*Forsyth vs. Brown in re. Wilkinson Manufacturing Co.*), his legal adversaries being two eminent members of the Philadelphia bar.

Except as assistant to Solicitor Lynd he has never held public office.



Samuel B. Huey.

SAMUEL B. HUEY,

OF PHILADELPHIA.

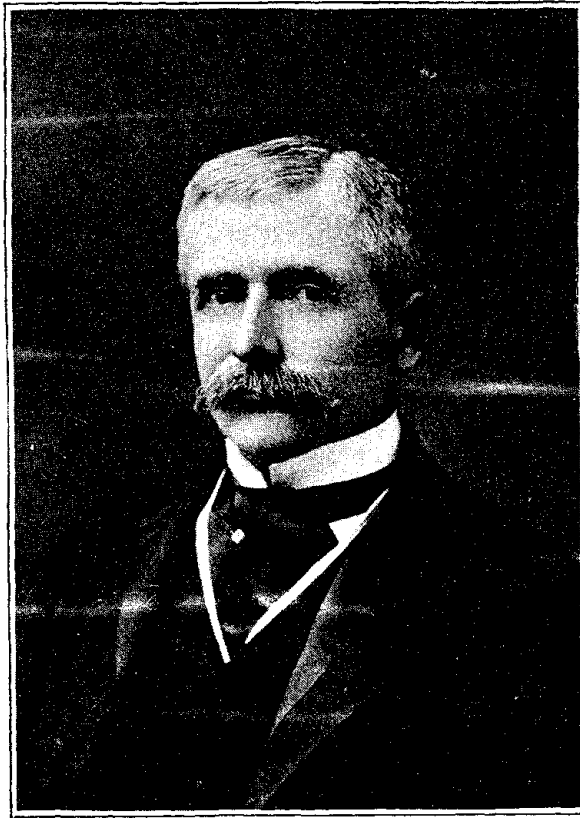
IN a city famed for many years for its brilliant lawyers it is a difficult task to designate any individual practitioner as the "leader of the bar;" but a conversation on the subject with many of the prominent lawyers of Philadelphia has confirmed the writer of this work in the opinion that no attorney in Philadelphia has a better title to be numbered among the five "leaders of the Philadelphia bar" than has Samuel B. Huey.

Mr. Huey is the son of Samuel C. Huey, who was a prominent business man of Philadelphia and President of the Penn Mutual Life Insurance Company. He was prepared for college at private schools and at the Central High School, from which he graduated as valedictorian. He entered Princeton College and was graduated in 1863, receiving prizes in oratory and debate. In college he was captain of the cricket team and baseball nine. After graduation he entered the navy as captain's clerk. He became Ensign on the staff of Rear-Admiral Bailey, and in 1864 Assistant Paymaster. He served in the attacks on Forts Fisher and Wilmington and on blockade duty to the end of the war. He then began the study of law in the office of John C. Bullitt and in the Law Department of the University of Pennsylvania, where he was graduated an LL. B. in 1868. He entered active practice, associated with Mr. Bullitt, until January, 1872, when he opened offices for himself.

As his erect figure and soldierly bearing would indicate, he has always been interested in military affairs, and has served in the National Guard as Captain, Major, and Assistant Adjutant General. Pressure of professional duties necessitated his withdrawal in 1878.

A mere recital of some of the cases with which he has been identified as counsel would emphasize his right to the title of one of the "leaders of the bar." During the existence of the Bankruptcy Law of 1868 he conducted the largest bankruptcy practice of any of the practitioners in the United States Court of the District, and was often asked by Judge Cadwalader during pressure of business to sit with him and pass judgment on cases. He has conducted some of the largest tax cases ever disposed of at the State Capitol. In 1870 he was admitted to the Supreme Court of the State, and in 1880, on motion of Benjamin F. Butler, to practise in the Supreme Court of the United States.

He is counsel for the Penn Mutual, Phoenix, Ætna Life and Spring Garden Insurance Companies, the American Bell Telephone Company, Edison Electric Light Company, and for a number of the largest business houses in New York city and Philadelphia.



Joseph I. Doran.

JOSEPH I. DORAN,

OF PHILADELPHIA.

JOSEPH I. DORAN, the distinguished corporation lawyer of Philadelphia, was born in that city January 17, 1844. His father, the Hon. Joseph M. Doran, also a native of Philadelphia, and born October 10, 1800, was graduated from the University of Pennsylvania, studied law, and became one of the leaders of the Philadelphia bar. He was an active member of the Convention to Revise the Constitution of Pennsylvania, having been elected to represent the city of Philadelphia. In 1840 he was appointed to the Bench of the Court of General Sessions of Philadelphia, in which position he served three years. He died in 1859.

Joseph I. Doran obtained his preliminary education in private schools and academies, where he was prepared to enter the University of Pennsylvania. Remaining at the University but a short time, however, he in the fall of 1860 entered the office of John C. Bullitt, first as clerk, then as student of law. He was admitted to the bar in 1865. In 1867 he was admitted to practise in the Supreme Court of Pennsylvania. To-day, by reason of his unsurpassed industry and close application, and his great legal acumen, he enjoys a practice of which any lawyer might be proud. He is consulting counsel of many large corporations, and has been General Counsel of the Norfolk and Western Railroad since its organization.

Since 1880 he has been interested as counsel in the development of the great coal and iron indus-

tries of Virginia and West Virginia. Although entirely given up to the practice of his profession, he has occasionally diverted himself by the authorship of monographs which have been received with much favor by the press. His monograph on *Building Associations*, an interesting and suggestive paper, was read before the American Social Science Convention, and attracted considerable attention at the time. Another, entitled *Our Fishery Rights in the North Atlantic*, published in 1888, was a masterly investigation of the complicated subject, and was generally credited with being the most forcible statement of the American side of the case, the Philadelphia *Ledger* speaking of it as a brief, pungent and able pamphlet, and the Boston *Evening Post* remarking that "it is one of the most satisfactory contributions to the literature of the Fishery question."



Charles H. A. Esling.

CHARLES H. A. ESLING,

OF PHILADELPHIA.

CHARLES HENRY AUGUSTINE ESLING was born in Philadelphia, January 21, 1845, and comes from old Colonial ancestry, distinguished in the Colonial and Revolutionary Wars. He pursued his classical studies at St. Joseph's College, Philadelphia, and subsequently entered the Philosophy School of Georgetown University, D. C., which conferred upon him the honorary degree of A. M. at its Centennial Jubilee Celebration in 1889.

In 1886 he entered the Law office of the late Hon. Wm. M. Meredith, and was the last student of that distinguished jurist. He was admitted to the bar June 19, 1869, and to the Supreme Court of the State, January 20, 1872. Even as a student in the moot courts of the Law Academy, one of the most venerable institutions of its character in the United States, he at once acquired a large reputation for forensic ability.

Mr. Esling's physical constitution and temperament have obliged him to largely restrict his business to chamber and surrogate practice, but no member of the bar possesses in a higher degree the confidence of his clients for integrity, energy and ability, particularly in the management of trust estates; his tact, judgment and discretion in several instances being attended with almost phenomenal success and winning for him the praise of distinguished senior colleagues. His literary talents are marked. He has published, among other works, a volume of poems

which has won the favorable notice of critics, and he may be styled the "Poet-lawyer" of the Philadelphia bar. He is an ardent Republican in politics and takes great interest in athletics, particularly in oarsmanship, which sport he has done much to promote in his native city, whose rowing clubs he represented in 1895 at the Henley Regatta. He is a member and officer of numerous social organizations. He has represented the Catholic Church of the United States on a special mission at the Vatican, and twice been tendered diplomatic positions at the Russian Court.



Harvey Deming Hadlock.

HARVEY D. HADLOCK,

OF BOSTON.

HARVEY DEMING HADLOCK, who while yet in the prime of life has attained conspicuous success in his profession, is the youngest son of Edwin and Mary Ann Stanwood Hadlock, and was born at Cranberry Isles, Maine, October 7, 1843. He received his early educational training from his mother, a woman of superior intellectual gifts and culture, and in the schools of his native town. In 1856 his parents removed to Bucksport, Me., where he enjoyed the advantages of the East Maine Conference Seminary. Here, and under private instruction, he pursued an advanced course of classical study, which he supplemented with a partial scientific course at Dartmouth College. Under the supervision of ex-Governor Edward Kent, then one of the Justices of the Supreme Judicial Court, he began the study of law in the office of Hon. Samuel F. Humphrey, at Bangor, Me.

At the age of twenty-one he was admitted to the bar of Maine, and later to practise in the Federal Courts of the District. In the fall of 1865 he moved to New Orleans, where he pursued the study of civil and maritime law under the direction of the eminent jurist Christian Roselius, in order to prepare himself for practice in that city, where he maintained an office on Carondelet Street. In 1868, having determined to fix his residence in the North, he was admitted to practise in Massachusetts and in 1869 he was admitted to practise in the State and Federal Courts of New York.

Mr. Hadlock's thorough research of the law, coupled with the accuracy of the conclusions drawn by him, has for many years caused his opinion on Constitutional and Corporation Law to be highly valued and sought after and frequently published. His devotion to his profession throughout his legal career has been characterized by the closest application. Case has succeeded case, without intermission, and day has succeeded day of unremitting and unwearied industry, which never could have been performed but for the vigor and unfailing spirits arising from recuperative qualities of the highest order. Mr. Hadlock is of distinguished presence. In addressing a jury, by adapting his expressions to the comprehension of each member he combines the eloquence of the orator with the acute reasoning and crisp directness of the special pleader. His career is a remarkable illustration of what native ability, and persistent, untiring industry, can accomplish in the legal profession. Mr. Hadlock, with one exception—in 1876, when he accepted the nomination as Judge of the Probate Court for Hancock County, Me.—has refused all judicial and political nominations and appointments tendered him.

Since 1887 Mr. Hadlock has resided and practised his profession in Boston, at the same time maintaining an office and enjoying a lucrative practice in New York city, while the general range of his practice extends beyond the State and Federal Courts of New England and New York, embracing cases of great moment in the Supreme Court of the United States.

On January 26, 1865, Mr. Hadlock was married to Miss Alexene L. Goodell. They have two children, Inez and Webster. They were sadly bereaved in the

death of their eldest son, Harvey Deming Hadlock, Jr., at fifteen years of age, by accidental shooting while handling a revolver. Their summer residence, an elegant mansion on the banks of the Penobscot, from which is presented an unobstructed view of rare beauty, is a delightful place in the picturesque and historic village of Bucksport, in their native Pine Tree State.



William E. Russell.

WILLIAM E. RUSSELL,

OF BOSTON.

WILLIAM EUSTIS RUSSELL, the youngest man that was ever elected Governor of the "Old Bay State," has achieved a success in the legal profession almost as marked as that he has won in politics. He was born in Cambridge; and he has always lived there. He was graduated at Harvard, and then he studied law at the Boston University. He was elected alderman for several successive years and then, at the age of twenty-eight, was made Mayor of Cambridge.

The mayor of a small suburban town ordinarily has little opportunity to extend his fame beyond local limits. But Mayor Russell commenced a conscientious administration of Cambridge municipal affairs that soon began to be talked about in Boston. He worked for the public's benefit, without thought of his own advancement, and unconsciously added to his reputation.

Boston began talking about the young mayor, and what Boston talks about is the theme for the whole Commonwealth of Massachusetts, so that people began to remark what a brilliant young Democrat had appeared to strengthen the party's ranks, now somewhat weary with so many hopeless contests against the Republicans.

The old leaders of the party in the State were retiring and a coterie of young men in Boston formed around William E. Russell to infuse new blood. They were ambitious and energetic. Many

of them were personal friends of the young mayor, and they saw in him the possibility of a new, dashing leader.

So the young men went to the convention in 1888 and exuberantly cheered for William E. Russell, then but thirty-one years old and looking ten years younger. The old-timers got together and talked the matter over. Finally they said: "There is not much chance for success this year. Let the youngsters try it and see what they can do. They can't do any harm, and may do some good." Russell was nominated for Governor, and then began a series of campaigns that are famous in Massachusetts history.

Tariff was the one issue discussed, it being a Presidential year. The experience developed all of Russell's latent talents. His whole mind and energy were given to the work. His speeches were carefully prepared. They were models of rhetoric and composition, and he knew how to deliver them well. Such words of wisdom and eloquence from one who appeared a mere boy attracted great attention.

The party was defeated, as was expected, but the next year Russell was again nominated, and entered with even more enthusiasm on a second campaign.

It was during this campaign that Russell threw off much of his boyishness, though his appearance was youthful as ever.

His personal magnetism began to appear. He suddenly acquired a handshake that was of wonderful drawing power. The farmer of Berkshire hills and the fisherman of Cape Cod each thought that Russell had come specially to see him, and wondered what all the neighbors were there for.

Though again defeated, the Republican majority was smaller and the earnest work of the young campaigner was telling. For the third time, in 1890, he started out to repeat the tour of the State, and this time it was a great triumph. Russell and tariff reform swept the Commonwealth, and he was elected Governor by a substantial majority. His administration was marked by the same thoughtful earnestness that he displayed as Mayor of Cambridge.

Massachusetts chooses its Governor every year, and when Gov. Russell's first term expired there was no question about his renomination. Before the campaign had proceeded very far his election was assured.

After having been through five campaigns, and three times elected Governor, the young man retired to private life and commenced to build up a position for himself at the Boston Bar. He made a speciality of corporation law and is counsel for several large companies; among them the West End Railroad Company, which controls nearly all the streets of Boston. He seldom appears in court.

Through all this public career Mr. Russell has retained a hearty enjoyment of outdoor sports and never forgets his boyhood days. It is that which keeps him so young and active. When he was a youth he was a brilliant short-stop in baseball, an oarsman, a football player and a sprinter. He won a tennis championship and medals as a rifle shot.

He aspired to become a soldier, and once secured an appointment to West Point. But he was hopelessly left-handed and the Examining Board rejected him. Even to-day he writes with his left hand.

The "boy Governor" has no more sincere admirers than the boys themselves. A day's outing

with him is the highest delight of the youngsters of Cambridge. "He is just like one of us," the boys say, but it is a quiet, gentle comradeship that is never beneath the dignity of great men.

A few days after an outing with some young folks Gov. Russell attended the dinner of the United States Supreme Court Justices in Washington, and there the boy was transformed into a serious lawyer whose dignified bearing and brilliancy won the respect of the nation's highest jurists.