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Great Speeches by Great Lawyers.

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A COLLECTION

OF

ARGUMENTS AND SPEECHES

BEFORE COURTS AND JURIES.

BY EMINENT LAWYERS.

WITH

INTRODUCTORY NOTES, ANALYSES, ETC.

BY *MARTINE*
WILLIAM L. SNYDER,
OF THE NEW YORK BAR.

NEW YORK:
BAKER, VOORHIS & CO., PUBLISHERS,
66 NASSAU STREET.
1892.

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April 12. 1926

APR 12 1926

Fifth Edition.

P R E F A C E.

THE object and design of this work is to preserve some of the best efforts of eminent lawyers, selecting those which have justly been regarded as models of legal reasoning and forensic power. The task is an exceedingly difficult one, in view of the fact that some of the most distinguished advocates have left but few traces of their intellectual labor. Their fame is often traditional; the recollections of their great efforts and high achievements fade in the near generations. The memory of the eloquence of Ogden Hoffman and David Graham lingers in the minds of a few living men, and in another decade will have been forgotten. What remains of the forensic utterances of Dexter and Otis; of John Adams, Joseph Hopkinson, Jared Ingersoll, Seargent S. Prentiss, Robert Goodale Harper, Luther Martin, Edward D. Baker, Rufus Choate even, and a hundred others, whose names are familiar, who have graced the profession with their genius and learning? Whatever remains—in memoirs, in fugitive pamphlets, in reports of trials, or wherever found—it is our purpose to gather and preserve.

With this view, and believing that a collection of legal speeches and arguments, embracing topics upon various branches of the law, would be instructive and valuable, especially to the younger members of the profession, the publishers began many years ago to collect materials for this work. The original intention was to divide it into subjects corresponding with the main divisions of jurisprudence, and to illustrate each by the arguments and opinions of distinguished advocates and jurists. It was, however, found impracticable to pursue this plan, and it was finally determined to select the best efforts of eminent lawyers in this country and Great Britain and arrange them conveniently, with an analysis of each, and a full index to indicate the points of chief importance to the practitioner and student.

Much valuable information can be acquired from arguments upon which learned counsel have spent weeks and months of thought and labor, revealing, in some instances, the results of a lifetime of study and research—information of incalculable practical value to lawyers in the active practice of their profession. Great profit will also be derived from studying the plan which successful advocates have pursued in presenting a cause to the court or jury; and the manner in which they have arranged and woven their materials, so as to persuade the will, excite the sympathies, or convince the judgment.

Care has been taken to give the speeches or arguments in full, omitting only detailed statements of evidence of no general interest, whenever such omission could be made without disturbing the plan and harmony of the argument.

The original purpose of the publishers was to make the work so full and complete, that they might with propriety call it a "Cyclopedia of Legal Eloquence, Argument, and Opinion." But whether they will be able to succeed in so ambitious an undertaking must depend upon the favor with which this volume is received. If it meets with the approval and support of the profession and the public, two additional volumes will be produced, which it is believed will be sufficient to properly present the design of the work. It is hoped that the book may be useful as a work of reference as well as a standard collection of legal eloquence.

On behalf of the publishers and myself, I cordially thank those gentlemen who have given access to their libraries and manuscripts during the preparation of this work, and for the kindly interest they have manifested in its success.

WILLIAM L. SNYDER.

NEW YORK, March, 1881.

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THE GROWTH OF PRINCIPLES.

HON. JOSEPH NEILSON.

Chief Justice of the City Court of Brooklyn.

At the sea shore you pick up a pebble, fashioned after a law of nature, in the exact form that best resists pressure, and worn as smooth as glass. It is so perfect that you take it as a keepsake. But could you know its history from the time when a rough fragment of rock fell from the overhanging cliff into the sea, to be taken possession of by the under currents, and dragged from one ocean to another, perhaps around the world, for a hundred years, until in reduced and perfect form it was cast upon the beach as you find it, you would have a fit illustration of what many principles, now in familiar use, have endured, thus tried, tortured and fashioned during the ages. We stand by the river and admire the great body of water flowing so sweetly on; could you trace it back to its source, you might find a mere rivulet, but meandering on, joined by other streams and by secret springs, and fed by the rains and dews of heaven, it gathers volume and force, makes its way through the gorges of the mountains, plows, widens and deepens its channel through the provinces, and attains its present majesty. Thus it is that our truest systems of science had small beginnings, gradual and countless contributions, and finally took their place in use, as each of you, from helpless childhood and feeble boyhood, have grown to your present strength and maturity. No such system could be born in a day. It was not as when nature in fitful pulsations of her strength suddenly lifted the land into mountain ranges, but rather, as with small accretions, gathered in during countless years, she builds her islands in the seas.

It took a long time to learn the true nature and office of governments; to discover and secure the principles commonly indicated by such terms as "Magna Charta," the "Bill of Rights," "Habeas Corpus," and the "Right of trial by jury;" to found the family home, with its laws of social order, regulating the rights and duties of each member of it, so that the music at the domestic hearth might flow on without discord; the household gods so securely planted that "Though the wind and the rain might enter, the king could not"; to educate noise into music, and music into melody; to infuse into the social code and into the law a spirit of Christian charity, something of the benign temper of the New Testament, so that no man could be persecuted for conscience sake, so that there should be an end of human sacrifice for mere faith or opinion; the smouldering fires at the foot of the stake put out, now, thank God, as effectually as if all the waters that this night flood the rivers had been poured in upon them. It took a long time to learn that war was a foolish and cruel method of settling international differences as compared with arbitration; to learn that piracy was less profitable than a liberal commerce; that unpaid labor was not as good as well-requited toil; that a splenetic old woman, falling into trances and shrieking prophecies, was a fit subject for the asylum rather than to be burned as a witch.

It took a long, long time after the art of printing had been perfected before we learned the priceless value, the sovereign dignity and usefulness of a free press.

But these lessons have been taught and learned; taught for the most part by the prophets of our race, men living in advance of their age, and understood only by the succeeding generations. But you have the inheritance.—[From an address delivered at Saratoga, August 1, 1875.]