"In all ages and countries, since letters have enabled the race to preserve human tradition, men have been singled out as standing without rivals in their peculiar fields of exertion. Demosthenes and Cicero, as the orators of Greece and Rome, are of this class; Lord Mansfield, as a common-law judge, and Lord Hardwicke, as the master builder, if not the founder, of our system of equity jurisprudence, are, in my opinion, entitled to the same pre-eminence among Englishmen. Erskine, though a sad failure as Lord Chancellor, is, beyond all question, the first advocate that English or American history has to exhibit. I mean first, as standing on a pinnacle no other *advocate*, merely as such, has ever reached.

"In this sense I pronounce Benjamin R. Curtis the first *lawyer* of America, of the past or the present time. I do not speak of him as a jurist, nor as a judge. I do not speak of him as an advocate alone or specially, nor as a counsellor; I speak of him as a lawyer, in full practice in all the courts of the country, State and National; as engaged in a practice which embraced a greater variety of questions of law, and of fact, than is often to be found in one man's experience."

After comparing Curtis with Pinckney and Webster, Justice Miller proceeds:—

"Now for the application of this episode to the general course of my remarks. Judge Curtis was not a man of brilliant talents, though possessed of a vigorous intellect. He was in no sense a striking speaker. Neither his figure nor his gesture was commanding. He has no celebrity as a sayer of witty things, as Choate has, nor any of those grand sentences conveying a profound thought in undying words, as Webster has.

"It is, therefore, clearly to be seen that his superiority as a lawyer was mainly due to the depth of his learning in the law, his capacity for discovering the principles involved in a case, and the training and discipline of his mind and habits. In the mere learning of the law he undoubtedly had his equals, possibly his superiors, among his contemporaries and rivals. But in careful, skilful, unceasing training, in mental, moral discipline, such as the athlete receives at the hands of his trainer, I doubt if any one approached him. There were no hasty preparations for trial, leading to surprises and discomfiture. There was no defective pleading discovered too late for profitable amendment. There were no slovenly briefs patched up at the last moment, nor unwise citations of authorities dangerous to his case, because carelessly read or not read at all.

"If an oral argument was made, it was the perfection of system and classification. Every thing was considered and adjusted to its right place for delivery, and so presented as to leave no occasion for repetition. The substance of what should be said was thought over so often, and the force of the very words to be used in some places so well considered, that no gaps were left in the argument, through which his opponent could enter the wall of his defences with a troop of cavalry. It was as hard to follow him as it was dangerous to precede him. Of course, like all lawyers, he would lose a cause where law and right were against him. But I presume that in his later years, in fact, as soon as training and experience had developed the full measure of his ability, no man ever felt that his case was lost for want of the best possible presentation of its merits, when Curtis was his lawyer.

"Before I pass from the memory of this most eminent man of our profession, whose example, if I have succeeded in winning your earnest attention to it, is sufficient to redeem all the faults of this unpretending address, I cannot forbear one other remark worth your serious consideration. He rarely found it necessary, in an argument in the Supreme Court of the United States, to occupy over forty minutes, and I recollect only two cases in which he spoke beyond an hour. This was the result of the perfect use of language, and power of clear presentation of his case, arising from the training and discipline, which it is my desire to enforce upon your attention."

[To be concluded in next issue.]

WHAT IS IN A NAME?—In the Georgia divorce case of *Stanridge* v. DULCINEA *Stanridge*, 31 Ga. 223, the judge concludes his opinion thus: "Without intending to reflect upon the wife in this case, for I take it for granted that the libellant is to blame, still I warn all plain men against marrying women by the euphonious names of Dulcinea, Felixiana, etc. — these names will do for novels, melting, mellifluous names will do for novels, but not for every day life."