

suggestions of the imagination, are wholly lost to others without appropriate words. They are as valueless as the diamond without polish or setting. To the men, then, whose main business in life is to persuade and convince others, to convey to them forms most likely to arrest their attention, to satisfy their judgment and enlist their sympathy, the ideas necessary to effect their objects, the right use of words is a first necessity.

"Undoubtedly there are men born with a special gift for language. But there is no natural gift more dependent on cultivation, on knowledge, on use, on discipline, and, above all, on a taste to be acquired by assiduous study of the best models. Fortunately English literature abounds with the first masters of style, in prose and in poetry. The vocabulary is among the largest in any language, living or dead.

"Another subject of congratulation in this regard is, that while for a thousand years the language was fluctuating and changeable, so that what was written or spoken in one century was with difficulty understood a century or two later, it has now become comparatively fixed, both in words and idioms. So true is this, that all sound critics concede that the perfection of style in the English tongue was attained nearly two hundred years ago, in the reign of Queen Anne, including a few writers a little earlier or a little later. Here we have Milton and Pope, Dryden and Goldsmith, Dr. Johnson, Bolingbroke, Addison, Steele, the writers of the Spectator, the Idler, the Tatler. No man will ever develop the best that is in him, in the use of the English language, who has not read with care and interest these masters of composition. There is in the English prose writing of the last two or three centuries a rich mine where the seeker may find models of taste and style, with both vigour and beauty of expression, in all the branches of intellectual pursuits. In the cultivation of this mine, and in the advantage which it confers, I am compelled to say the lawyer of the East has been more industrious, as a general rule, than his brother of the West. This is easily accounted for by the facilities of collegiate education, by the easy access to superior public and private libraries, by the earlier age at which necessity drives the western lawyer to leave the school and take to the office.

"Much of this can be remedied, however, and ought to be remedied in after life. No lawyer's office should be without an unabridged Webster or Worcester dictionary, as well as a good law lexicon. A good book on synonyms is equally indispensable. Then, in time, as money and opportunity serve, the resort to the English classics should be constant and steady, until the taste once acquired will enforce its own gratification. So, also, the modern magazine is indispensable to a man who is not content to remain in ignorance of what all the world is doing all around him. The reading of one or two of these monthly and quarterly visitors, or of a few articles in them, as leisure serves, enabled a professional man to acquire, in a condensed form, a very useful, if not a very full, knowledge of the progress of the world in science, in art, and in literature.

"There is one other mistake to which the western and southern lawyer is peculiarly liable, and which, as it grows on him with years and the increase of his practice, I desire to call your attention to. It is the reliance on spontaneous or impromptu oral argument. Nothing is more misleading and deceptive to the speaker himself, especially if he be endowed by nature with a ready flow of language and an animated delivery. Warming to his work as he proceeds, stimulated by the flow of blood to his brain, he seizes upon every suggestion which his vivid fancy presents, and with no time to consider its value, or its legal force, he presses with equal earnestness the crudest ideas and the soundest propositions. The words, the thoughts, the law, the facts, are thus presented to the court or jury without method or system, with no natural sequence to enable the hearer to retain and consider them afterward. The speaker's mind and soul are all aglow. He knows he has said some good things. He believes he has argued his case well, and sits down with a profound conviction that if that speech don't win the case, nothing could have done it.

"Perhaps such efforts do occasionally carry a jury, but not as frequently as they are supposed to do it.

"The day has passed in this country when, except in a limited class of cases, the verdict of a jury can be won, or will be permitted to stand when won, unless it is in accord with the view of the court as to the law of the case.