

"In short he learns how to handle the tools by which his judgment is fashioned. If this be true of the labours of the judge, how much more is it so of the lawyer?"

"The *practice* of the law is an art. There is no question that, like painting or sculpture, there is necessary to its perfect attainment a certain native genius for its pursuit. But this does not mean, as in those arts, imagination, taste, a delicate sense of beauty in form or color. In the law a much more useful, and a much more common quality, is the native foundation of success. It is a sound judgment, a clear head, a strong development of the reasoning faculty, a capacity to reduce all propositions to the test of sound logic, without regard to the syllogisms of Aristotle or Whately, and independent of rhetoric as a science or an embellishment.

"But this natural faculty, like all other gifts of nature, is susceptible of vast improvement in its use by cultivation, by polish, and, above all, by training.

"I confine myself, for the present, to the latter. And by this training I mean the exercise of the faculties in the best mode possible, of presenting your case to the tribunal which must decide it; I mean the restraint which use enables you to impose on an exuberant imagination, the caution which experience teaches, of careful statement and safe movements, the courage which familiarity inspires in battling for the right, and, above all, the skill which is acquired by constant observation, practice and correction in setting forth your case in the strongest light and the most inviting aspect.

"It is a very common error, when a lawyer has adroitly made an unwilling witness tell the truth; or more frequently, when he has made a telling argument to court or jury, delivered with a captivating ease and grace, for the ordinary listener to imagine that it cost no labour or trouble. I have heard men who had the sense and taste to admire such a speech, declare in the utmost good faith that they were themselves intended by nature for lawyers, because they caught with such readiness the force and beauty of the argument, and saw with clearness the proposition it sustained. But the experienced opponent, or the observing judge, could see without difficulty that the apparently artless impromptu address was the perfection of

art itself, concealing the long and laborious study previously given to the case, the careful and systematic mode of presenting it, determined on before the orator had opened his mouth. All the important propositions maturely considered, and in the critical exigency of the argument, the very words selected in which it is to be expressed.

"All this is the result of training, of constant and thoughtful criticism on your own style, of careful preparation for every occasion; of a review, after the effort is over, of the manner in which it has been made, and a considerate resolution to profit in future by any failure or defects that may be discovered.

"Let me give you at once an illustration of what I mean, and an example for your guidance. It is a story told me of Mr. Webster by the late Benjamin R. Curtis, formerly a judge of the Supreme Court of the United States. He said that quite early in his professional life he had been employed as a junior counsel to Mr. Webster, in an important case. A consultation being necessary, Mr. Webster invited him to call at his office at as early an hour after daylight as he could find convenient. When he arrived he found Mr. Webster, with the papers on the table before him, a pen in hand, and several sheets of paper written over. 'I am very glad to see you,' said Mr. Webster: 'I have been taxing my brain for the last five minutes for the proper word in the sentence I am just writing, and can't call it up. Perhaps you can assist me.' After some suggestions the proper word was found, to Mr. Webster's delight, and the consultation proceeded.

"It is no wonder that Mr. Webster's addresses are the models commended to youthful orators to-day, or that when delivered with scarcely a gesture or a movement, beyond the expression of those deep-set eyes, and a face in which intellect seemed enthroned, they should have moved the hearts of his hearers and convinced their judgments as no other man of his day could do.

"In this familiar talk to the bar of my own State, I cannot pass the name of Judge Curtis, having once called it up, without an observation or two on that remarkable man, which will be found to illustrate the tenor of my address in the same manner that the anecdote of Webster does.