and perhaps revenge, unchecked by the fear of loss, would arouse his sense of justice and make his duty clear. It may be an honest demand, but often, how much better that such demands be waived. The strife, perhaps permanent estrangement of the parties, extending sometimes through a community, as friends and neighbors range themselves upon one side or the other, accompanied it may be by serious breaches of the peace, is an evil of such magnitude as seldom to be compensated by the success of the right party, to say nothing of the risk that the wrong one will win. I do not agree with Ihering in regard to one's duty to go to law. It surely should be one's right to suffer a wrong, and it may become a duty to do so. Whether a duty or not, to thus suffer is often for one's interest; the expenses of a legal prosecution, the uncertainties incident to all controversies, especially under our imperfect mode of administering justice, will cause a prudent man to pause and count the cost. The travesty upon the common-law jury trial, adopted in some of our Western States, by which the trial judge is made little more than a presiding officer to assist the sheriff in keeping order, renders results in such States still more uncertain. A man should, therefore, weigh his cause and probable results before beginning a suit. He will see his own side of a controversy with sufficient clearness, and be sufficiently combative not to need special inducements. Besides, the law favors the settlement of disputes, the compromising of matters already in litigation, and without fraud or mistake, the court will not reopen a controversy even if the rights of one of the parties have been surrendered. By a sale of a contingent interest one may have so bound himself as to make a compromise impossible. To dismiss his action he must violate the contract with his attorney, which an honest man would not like to do, whether the transaction be held to be champerty or not. If the contract be sustained he is liable to the attorney, not for fees, but for the value of the interest he had agreed to give.* He has thus put it out of his power to do what the policy of the law has always favored, and what in the uncertainties of litigation, it may be for his interest to do.

2nd. It changes the relation of counsel to the cause. To be admitted to the bar is to become a sworn officer of the court. As such officer, the lawyer is bound by its rules and obligations as much as the judge or any other officer. The fact that he is not the judge, bound to impartiality between parties, the fact that he is not the sheriff, bound to discover and procure the seizure upon execution of property of his client, the fact, in a word, that his peculiar duties and obligations are not those of other officers, make him none the less an officer, and his duties and obligations none the less imperative. No one would feel safe if pecuniary motives were suffered to be addressed to a judge or sheriff, bearing upon the discharge of his duties. The zeal of partisanship and the ambition to win are incentives strong enough to test the integrity of most lawyers, and when we make him a partner in the prosecution, a real plaintiff, though a concealed one, may we not add a motive to unprofessional conduct too strong for his moral endurance. We every day see men treading the very verge, if not going beyond

* See Duke *v.* Harper, 2 Mo. App. 1.