ception. It is just as important to determine —and correctly—whether a court can be brought to overrule an adverse decision, as to find the decision itself; just as essential to judge truly in advance how a new question will be decided, as how an old one has been; just as essential to ascertain whether one seemingly old is really such, as how the admitted old should be decided now.

It is idle to say that the lawyer needs tools to do the easy part of the work, but the difficult part may be done without tools. A babe feels itself competent, even without a ladder, to grasp and handle the moon; and there are plenty of babes in the law who do not doubt that, if they are helped to ascertain what has been decided heretofore, they can manage the rest by their own unaided brains—tools, for high achievements, they despise; they would like help in walking but they can soar alone. I am not writing for such; but for those who know that, of all earthly aid which a mortal may crave, the most helpful is the simple suggestion of the thing which, when suggested, is absolutely plain and obvious. The want of the simple suggestion is what, for ages, deprived the world of the steam-engine, the railroad track, the telegraph, the sewing-machine, and the thousand of other inventions which distinguish the present times from those of old. And there is no department of thought in which the simple suggestion is more important than in the law. Most of what, in the United States, passes for, and is referred to, as authority, is not truly such. The English decisions since the Revolution, and those of states other than our own, have no binding force with us; yet they are listened to by the courts with respect, and, if they are uniform, and the reasoning of the judges in them appears sound, they will almost always be followed. Hence the practioner must know how to find them, how to estimate their value, and how to reason from them; and must have tools for doing this work. If a case of this class is against him, he must be able to detect fallacies in it, and to convince the court that those which he points out are fallacies in truth.

Let us see, then, what we have as practically essential. First, the lawyer must be able to find, and have the tools for finding, every case, English or American, ancient or modern, which will have any bearing on whatever question may possibly arise. This will not include every case in the books; because a doctrine once held may have been overruled, or superseded by legislation, or varied or enlarged by later decisions; or, otherwise, a case may be no longer of practical avail. I said, "able to find;" but an actual finding, or especially an actual using, will not always be necessary. In most circumstances a limited number will suffice; but in some all should be examined, and in rare instances the whole should be actually produced in court. Secondly, the legal doctrine on which the cases proceed must be understood, else their application to the question in hand cannot be made. The doctrine is not always expressed in the cases which really proceeded upon it, or in any other book; but not unfrequently, though not as the general rule, the practitioner will be compelled to search it out by the light only of his own unaided understanding, and satisfy the judge of its correctness by showing how it harmonizes and explains the cases, and accords with the other doctrines, and with the spirit, of the law. The more fully and accurately the doctrine of the law appears in any book, the better is it as a tool. Thirdly, where the question is new, or has been decided only in England or some other State—a class which is believed to embrace more than half the cases argued and adjudged in our State courts, indeed, almost the whole in our younger states—the practitioner must be able to go to the very "bottom of things," and make the whys and wherefores tell in every sentence he utters. To cite merely, in an unreasoning manner, the dry conclusions of law arrived at elsewhere, is to betray the cause of the client. Fourthly, he must, as already said, be able to discern when there is a reasonable prospect of getting a prior decision of his own court overruled; to which end he must know the limits of the doctrine of *stare decisis*, and the reasons which fix each particular limit. Whether he attacks the former decision or defends it, he must be absolutely "at home" in this whole learning. To do this requires, especially, a knowledge of the doctrines of the law as distinguished from the cases.

I have thus far assumed that the law is, what it is generally understood to be, a system of