quences of a decision the one way or the other."* He then went on to produce speculations, as some would term them, out of which the determination of the court was evolved. And, in our books of reports, many such cases occur. So, a law-treatise, if truly practical, will present its topic in such a way that the reader will see the reasons — the speculations—on which the law proceeds, though it may have no special sections on how it should be; not only because the legal reasons are the law, likewise because, otherwise, the reader could not be aided in forming his judgment as to how a new question would probably be decided. In these fountains, therefore, the practitioner has the speculations, all the more valuable for being in a practical form. And he would not seem to be in particular need of others. The defects in the law, and the methods of curing them, may not there be shown; but this is a sort of speculation not specially within the jurisdiction of a practising lawyer, or of the court to which he applies for the enforcement of his views, but it is for the legislator. The practitioner, therefore, has little more occasion for this class of books, however meritorious and useful, than for treatises on the calculus and on mental science.

There are, however, some books—and there ought to be more—of a highly practical sort, not within the scope of this article. As illustrative, I will mention Reed's "Practical Suggestions," published some three years ago. In this book an able lawyer, who had made the conduct of lawsuits a special study, and had risen to be a leader at the bar, especially in the trial of causes, gives to his younger and less successful brethren the results of his investigation and experience in the "Management of Lawsuits and Conduct of Litigation, both in and out of Court." This is a book to be read and studied by every lawyer, especially of the junior class. It is in the highest degree practical, yet it is not a tool of the trade. It is rather a sharpener of tools, and an instructor in their use. And there are other books of the highest practical value which are not tools. This article is of the practical sort, but it is not a tool.

Let us consider, then, the tools of the legal trade.

* Priestley v. Fowler, 3 M. & W. 1, 5.

And, for the first step, we must form an accurate idea of the thing to be done with them; because, always, a tool must be adapted to the particular work. An awl is excellent in making a shoe; but, heat it as we will, it will not draw a train of cars.

A lawyer in his office is approached by a client for advice. What the client wants is to be informed how, on the presentation of given facts to the court having jurisdiction over them, or of known testimony to the court and jury, the tribunal will decide the case. This is always the precise thing sought—what *will be*, not what has been. I do not forget that we look to the past in judging of the future; just as a sea-captain, in considering whether to reef, thinks of the signs which the past has shown as indicating an approaching gale. But what he is anxious to learn is, not whether there was a gale yesterday, but whether one is coming now. And no lawyer in his practice has ever occasion to know what has been held as law heretofore, except as evidence of what may be held hereafter. If, instead of advising a client, one is acting as conveyancer, or as the draughtsman of an ordinary contract, his ultimate thought relates to what the courts may hereafter hold of the instrument should it come into litigation, and he looks to what has been only as indicating what will be.

But, in the law, as in other things, there is constant progress, and there are changes. Events will appear which never, even in form, transpired before, and out of the new events new questions will arise. And, where the past approaches nearest to repeating itself, the likeness of to-day to yesterday is not perfect, rendering it uncertain whether the seemingly old question of to-day should be decided in the same way as before. Moreover, in correcting the errors of the past, the courts sometimes overrule their former decisions. Hence the results to which the courts have already arrived constitute only a part of what the lawyer has to understand and explain; there is another and much more difficult part beyond. And his tools must be adapted to the accomplishment of both, and he must know how to use the tools, else he will wrong his clients and the courts, and fail of acquiring the due rewards of the profession for himself. This is so in all departments of the profession; there is no ex-