

have perhaps never before received. Denounce the "technicalities" of the opposing law. Appeal to that higher plane of the profession, in which the judge, overlooking mere technical precedents, rises into abstract ethics, and considers the case upon "high points and general principles." Indulge the sensibilities of the race. Bring the calm light of the emotions into play, to assist the logic of the court. Paint the beneficent effects of the decision in your favor. Depict the fearful consequences of a decision against you. And wind up with an inspiring burst of professional fervor, or by a pathetic appeal, in a minor key.

If, however, in spite of all these laudable legal efforts, the judge below is obdurate, and the decision is against your unhappy client, still, my brother, do not yield wholly to despair. As in the death of a good man comes his brightest hope, so in the loss of a bad case comes its best opportunity. Remember there is organized, in the jurisprudence of every State, a series of superior tribunals, "created for the express purpose," as Judge Emmons once said, "of reversing the lower courts." Remember, as you lie rolling over in the dust of the lower arena, that there still stands a higher tribunal, whose doors are open to the defeated and the beaten, and to cases adjudged "bad," and to which the successful can never appeal.

At the threshold of the Appellate Courts the history of a "bad case" naturally ends; for, there under the requirement of even-handed justice, all cases must stand alike.

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