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George Robertson

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THE COMPLEAT LAWYER

Excerpts from an address

By GEORGE ROBERTSON.*

Having now finished your scholastic course, you will soon take leave of this institution, of your preceptors, and of each other, and enter as men, each for himself and in his own strength, on the sober and important business of active life, in which your own conduct may fix your destinies for good or for ill, for weal or for woe, for time and for eternity.

We may presume that most, perhaps all of you, are destined first for the Bar. The sphere of the popular and enlightened Lawyer is very comprehensive and elevated. It embraces the personal, social, and civil rights of his fellow men, and all the various and important interests and relations that depend on human laws. To act usefully and honorably in such a sphere requires careful discipline, great knowledge and rare endowments, moral and intellectual. Ministering at the altar of Justice, lawyers should have clean hands, wise heads, and pure hearts, lest they profane the temple of jurisprudence, and sacrifice the lives, the liberty, the property, and the reputation of those who repose on their counsel and trust in their protection. The welfare of society depends, to a great extent, on the character and conduct of legal men. And, notwithstanding the prevalence of a vulgar prejudice against them as a class, they have an acknowledged and commanding influence, and therefore must necessarily do much good or much harm. In an introductory discourse we made some general suggestions once, respecting the eminent dignity of jurisprudence and the high rank and influence of the gentlemen of the bar;

*George Robertson was born in Mercer County, Kentucky, November 18, 1799; elected to Congress in 1816, 1818 and 1820—served from 1817 to 1821, and resigned a full term, May 1, 1821; Secretary of State 1828; commissioned a Judge of the Court of Appeals of Kentucky, December 24, 1828, and Chief Justice, December 16, 1829—resigned the office of Chief Justice in 1843, and resumed the practice of law in Lexington, Kentucky; Professor of Law in Transylvania University for twenty-three years; elected Judge of the Court of Appeals from the second appellate district, first Monday in August, 1864, for a term of eight years—being Chief Justice at the time, he again resigned that office September 5, 1871, and retired to his home in Lexington, where he died May 16, 1874.

The article here printed contains all but a few paragraphs of a valedictory address delivered by Robertson on February 23, 1847, before the senior class of the Transylvania Law School. It may be found in a rather rare collection of Robertson's speeches and papers printed in a book called *Scrap Book on Law and Politics, Men and Times*. The title given to the article is the Editor's.

and those suggestions have been since corroborated on an interesting occasion, illustrated with much learning by an eminent citizen attached to a rival profession, who, in estimating the relative influence of the various classes of society, conceded the second place to the lawyers—the first being, of course, allotted by him to the fair. Such a juxtaposition, if deserved, should be as inspiring as it must be grateful and honorable. But to merit and maintain it, requires a purity of purpose, a propriety of conduct, and a degree of intelligence which have not always characterized professional men of every denomination; and this is an age of renovation and light; all branches of knowledge, and all orders of society, are in rapid progress of improvement. To maintain its high rank and insure a beneficent influence, the western Bar must be quickened by the regenerating spirit of the times, and must elevate the professional standard and advance in that knowledge—and in those virtues which will become more and more befitting their American character. To be useful or successful on the forensic arena, you must, gentlemen, be panoplied with the armor of legal learning, liberty taste, general science, habitual prudence, moral principle, and practical wisdom. A thorough knowledge of scientific and practical law, should be the leading object of your professional ambition and pursuit. Public expectation, the dignity of your profession, the interests of justice, and your own duty and fame, will demand the attainment of what you will profess to have—an accurate knowledge of the laws of your country in all their departments and relations. The want of such knowledge cannot be supplied by fidelity, however undeviating; integrity, however scrupulous; miscellaneous learning, however extensive; or talents, however solid or brilliant.

Do not repose in confidence, or presume too much on the elementary knowledge you have acquired whilst here. Though you have learned much, you are only initiated into the first principles, and prepared for the successful study of legal science, the most of which is to you, yet a *terra incognita*, far beyond the range of your circumscribed horizon. You may learn all your lives, and the more you learn the more you will be learned. To attain the utmost that can be accomplished, it is important to make a judicious selection of books, to read them properly, and to make a systematic appropriation

of all your time. It is not the number, but the kind of books, and the manner of reading them, that will be most useful. The most scientific and approved editions of elementary books should be studied, carefully compared with the cases to which they refer, and tested, when doubtful or anomalous, by principle and analogy, and such text books as Blackstone, Cruise, and Kent should be periodically reviewed as well as occasionally read. The more important of the adjudged cases should be read carefully and compared and collated; and a commonplace manuscript, arranged by titles, alphabetically, would be both eminently useful by imprinting new doctrines on the mind, and always of great value for occasional application. An adjudged point, unreasonable or inconsistent with analogy or principle, should not be regarded as conclusive evidence of the law, unless it shall have been long acquired in, or more than once affirmed—and unless, on a survey of all material considerations, you feel that it is better to adhere to it than by overturning it, to produce uncertainty and surprise. *Stare Decises* should be thus, and only thus, understood and applied. Stability and uniformity require that authority, even when conflicting with principle, should sometimes decide what the law is. But, in all questionable cases, follow the safer guides—reason and the harmony of the law in all its parts. Whenever consistent with other and more important engagements, make it a rule to devote some portion of every secular day to the reading of law; and whenever you can, converse on legal subjects—this will tend to give clear and practical conceptions of legal principles, and habitual directness and facility in communicating what you know, and a taste for legal investigations which could not otherwise be acquired.

But the habit of intensely thinking and carefully writing on the more abstruse doctrines of the law will be still more useful. Unless we meditate on what we read and see, and hear, until we rightly understand it, we can never make it our own, or use it properly or effectually. Reading and observation only supply materials for meditation; and intellectual rumination is to the mind what mastication and deglutition are to the body. But it is intense thinking alone that can digest and assimilate into a congenial and vitalizing essence, the aliment of the mind. Intensity of thought is as indispensable to the nutriment of the mind as the gastric solvent and vascular laboratory

are to the animal digestion and life. No man was ever truly great or useful who did not think much and well; and many have been practically wise without reading books. Patrick Henry's chief book was the volume of nature—but he thought with a peculiar interest and intensity—and thus, the carver of his own fortune, he became one of nature's tallest noblemen. But he did not know much law. To have acquired that science it was indispensable that he should have read as well as thought much. Proper reading furnishes food; right thinking digests it; and careful writing and speaking rectify it, and circulate the vital product. Bacon has said: "Much reading makes the full man, much thinking makes the correct man, and much writing makes the perfect man."

Let your miscellaneous reading harmonize with your professional duties. Be careful never to indulge it to such an extent, or in such a manner as to seduce from a proper allegiance to the law, or generate ascetic habits or epicurean appetites, incompatible with the robust health and masculine vigor of the legal mind. But general knowledge is as useful to the lawyer as to any other man. Whatever will furnish the mind with light, or impart to it vigor, health or discipline, must be peculiarly useful to one whose professional avocations require, in an eminent degree, analysis, illustration, and persuasiveness. All branches of virtuous knowledge mutually aid each other. The sciences are united by a common sympathy, called by Cicero *commune vinculum*.

"All are but parts of one stupendous whole,
Whose body nature is, and God the whole."

All eminent jurists have been enlightened by general learning. The example of Cicero, of Bacon, of Hale, should never be forgotten. Cicero was one of the most profound philosophers and polished scholars of erudite Rome; Bacon's great mind was enlarged and liberalized by universal science; and Hale, among the most learned of his day, and a Christian too, was, according to Runnington, of the opinion that "no man could be master of any profession, without having some skill in all the sciences."

This infallible truth has not been universally felt. But we have some reason for hoping that a more propitious era has come, or is coming, when all, who feel true professional pride or obligation, will

know that general science cannot be neglected without great danger of abortion and degradation. Civil history, mathematics, physiology, geography, moral, political, and physical philosophy, and medical jurisprudence may be deemed essential; and polite literature and some acquaintance with the fine arts will be highly ornamental and useful. Without some acquaintance with these various branches of knowledge, the lawyer must enter the arena unarmed, or armed only with the rough and unwrought club of dry, hard, technical law. Medical jurisprudence has been too generally neglected. Every lawyer should acquire some general and correct knowledge of anatomy, human and comparative; of physiology; of chemistry; of *materia medica*; and pathology. An accurate and practical acquaintance with the purity and power of your vernacular tongue should be deemed a *sine qua non*. And such an attainment implies no small degree of literary taste and study, as well as much attention and habit. In fine, it is important that a lawyer should learn all that it is useful for man to know. And the more he learns, the more he will be able and inclined to learn, and the more humble and less dogmatic and pedantic will he be, and seem to be. There is no danger that you can know too much. Whilst the moral and physical universe is around you, your minds can never be inactive, full, or satisfied. The higher you ascend the topeless mountain of knowledge, the clearer will be your horizon; but, should you climb to where no mortal footstep has ever been, you will then be but the more sensible to the evidence of your own inferiority and ignorance, when from your peerless eminence, for the first time, the interminable wilderness of unexplored knowledge, indistinctly opened to your enlarged vision, will appear as a world contrasted with the little spot which, in a lifetime of toil, you had belted and enclosed as your intellectual domain, and which, so insignificant in your more comprehensive eye, seems to the microscopic vision of those below you to be the *ne plus ultra* of human attainment. A judicious distribution of your employments, and a systematic allotment of your time will afford you leisure for every reasonable purpose and enable you to acquire a mass and a kind of knowledge which can be attained by no other means.

Be careful never to pause in your pursuit after useful information. The mind cannot remain stationary—if it make no advance, it

must retrograde; nor can morals stand still—and as nothing can contribute so much to your dignity, influence and happiness, as the activity and improvement of your own moral faculties, therefore if you wish to be happy or useful—if you hope to be gratefully remembered among men, and to be ranked with the good and great of your species, be ever mindful that God has identified your peace and your honor, your duty and your usefulness, with intellectual activity and moral purity and light. Never neglect the map of nature always unrolled before you—nor the sacred volume of revealed truth, in which, when properly studied, true and practical wisdom, elsewhere unattainable, will certainly be found and remember that whenever true “Science builds a monument to herself, she erects an altar to God.”

But do not read more than you can understand, nor oppress the mind or impair the health and vigor of the body by excessive or indiscreet study. The studious mind requires occasional relaxation and relief. Let these be judiciously afforded by physical exercise and interludes of innocent and improving amusements. But never suffer the mind to become rusty from indolence, to be seduced by the allurements of vice, corrupted by sensuality, or unhinged by vacuity. Dr. Johnson’s expedient for preventing hypochondria was—never to be alone when idle, nor idle when alone; and it is worth being remembered and tried. Physical exercise, literary companionship, and moral conversation will be sure antidotes to gloom and cynicism; and music, Luther’s intellectual Catholicon—next to the Bible in his judgment, as an adversary of the devil—should not be derived or undervalued. It exhilarates and tranquilizes the mind, elevates and purifies the heart, and thus contributes much of what scarcely any other amusement can, as innocently, contribute to improvement and happiness. Nor are gymnastic and other athletic exercises, for health or amusement, either useless or incompatible with personal dignity or intellectual eminence. They not only tend to impart vigor and health to the body, elasticity and tone to the mind, and simplicity to the moral character, but, when properly regulated, they render us more amiable and useful. Behold Professor Playfair, when a septuagenarian, with the spring and muscle of manhood, leaping with the young athletes of Edinburgh—Alexander Hamilton playing marbles with his little children—Patrick Henry tumbling with his household Gods, and

playing the fiddle for them to dance—and Chief Justice Marshall, throwing aside the *toga praetexta*, and as a youth, *con-amore*, pitching quoits with the young men of Richmond. These and many others of the distinguished great men were exemplars of the simple dignity, amiable condescension, and practical utility of true wisdom. Knowledge, to be most useful, must be communicative, unaffected and benevolent. Such knowledge illustrates the social and civic virtues, and is equally opposed to haughtiness, to artificial dignity, to incivism, and to misanthropy.

The honest face of virtuous nature, always attractive—if distorted or disguised by ignorance or false pride, is metamorphosed into corsetted, cadaverous, repulsive art. A virtuous and enlightened mind, necessarily unaffected, humble and cheerful, will, like the sun, shed its vivifying light around the young and the old, the rich and the poor, the lowly and the exalted; and, by acting in harmony with chaste nature's laws, will refresh and edify wherever there is any sympathy with its cheering influence. This is nature unmocked—dignity uneclipsed. Apollo should sometimes play on his lyre and Hercules with his distaff. That is a false and pernicious dignity which chills the warm emotions of the heart or hushes the soft accents of nature's voice. Achilles was never so attractively interesting as when agonizing in the dust for the death of Patrocels, nor did the aged Priam ever appear so amiable, as when, with trembling frame and streaming eyes, he begged the lifeless body of his son Hector. These were nature's doings, and among her proudest achievements; exhibiting, in the one case, the most impetuous of heroes tamed and subdued by the tenderness of a holy friendship, and, in the other, the majesty of a King mildly mingled with the tenderness of a kind father. You remember the stern and towering Pyrrhus—being rebuked for the unstocial weakness of shedding tears for the death of his wife, and urged to assume the aspect of a Philosopher unmoved—he exclaimed: "Oh, Philosophy! yesterday thou commandest me to love my wife—today thou forbiddest me to lament for her!" And being told that tears could not restore her, he replied—"Alas! that reflection only makes them flow faster."

The reasonable indulgence of the affections and emotions of the heart is not only happying but meliorating, and is one of nature's ex-

pedients for civilizing mankind and saving them from selfishness and vice. The most wise and honored should always act as rational men, and never rebel against heaven, or commit treason against nature, by attempting to destroy or to conceal those emotions which belong to the wisest and best of men for the wisest and best of ends. Let them then be enjoyed and acted out in a becoming manner by the most exalted of our race, as long as they wish to be considered as men. Such a course secures the intellectual Sun from eclipse, disrobes knowledge of the cold and mystic cloud of pride and hypocrisy, and presents it in all the simplicity and radiance of its native grace and intrinsic loveliness. He who never seems to feel, either never feels at all, or as man ought to feel; and others will never feel much affection or respect for him. But in the tender sympathies of pure hearts, there is "a joy unspeakable and full of glory"—and remember,

"The path of sorrow and that path alone,
Leads to the land where sorrow is unknown."

In discharging the various duties incident to your profession, you will find use for all human knowledge and moral power. Sallust doubted whether a higher order of talents and attainments was not necessary to make a good historian than an able General. But can there be any doubt that the Beau Ideal of an eminent lawyer requires more knowledge and moral power, than what might be sufficient to make an able General? Prudence, sagacity, decision, courage—are the chief attributes of able Generalship. The able and honest lawyer must have these and more. He must have a profound knowledge of law, an acquaintance with general science and polite literature—integrity of principle and of character and a peculiar faculty of speech. Nothing is more difficult or interesting, or requires more variety of attainments, or greater compass or power of mind than a forensic argument, in a great and difficult cause, addressed to the reason, the hearts, and the passions of men in behalf of truth obscured by sophistry, justice oppressed by power, or innocence persecuted by malice and falsehood. In such a cause, all that is most good and great in moral power may be necessary and will ever be most useful.

Talents, however bright—knowledge, however great—will be unavailing or pernicious, without habitual industry, systematic pru-

dence, and perfect honor. What Johnson said of Savage, and Butler of Heridan, is universally true—"Those who, in confidence of superior capacities, disregard the common maxims of life, will be reminded that nothing will supply the want of prudence, and that negligence and irregularity long continued will make knowledge useless, wit ridiculous, and genius contemptible." No lawyer, who neglects that maxim can be true to his clients, to his own fame, to the dignity of his profession. And here we deem it not inappropriate to invite your attention to the importance of a peculiar propriety in personal and professional department; and also, to the necessity of what may be termed forensic ethics.

1st. A lawyer should be a gentleman in his principles, his habits, and his deportment; in fine, a gentleman in the sterling import of the term—else he brings degradation on himself, and helps to reflect discredit on the profession. And to be a gentleman in the true and perfect sense, is to be—what is too rare—a man of sound principles, scrupulous honor, becoming modesty, active benevolence, habitual morality and rational, just and polite deportment.

2nd. In his intercourse with his clients, he should be candid, respectful, patient, liberal and just. He should never advise a suit unless it is the interest of his client to "go to law." If the case be frivolous, or the right doubtful, he should advise forbearance or compromise. He should never encourage litigation. When a suit becomes necessary, or if pending, his fee should be regulated by the value of his services and the client's ability conveniently to pay. An honest man will never barter his conscience, nor will an honest lawyer ever speculate on the ignorance, the fears, or the passions of his confiding clients. A faithful lawyer will never deceive his client nor neglect his business. It is his duty, and his interest, too, to deal in perfect candor, and to do, in the preparation of his client's cause, all that he ought to do; and that is, all that he can do consistently with personal honor or professional propriety. If, in consequence of his negligence, misdirection, or unskillfulness, his client's claim unjustly or improperly fail, he should indemnify him fully, promptly, and cheerfully. He should never attempt success by any other than fair, honorable, and legal means; nor should he advise or connive at the

employment of any other means by his client. He is not bound by any obligation to the dignity of his profession to abandon his client's cause, merely because he may discover that he is on the wrong side; for he might be mistaken in his opinion, and might do great injustice by turning against his client. And also it is his duty, whether in a good or bad cause, on the wrong side or the right to present, in as imposing a manner as fair argument can exhibit, the stronger or more plausible points in his client's behalf, without expressing an uncandid opinion. In no case should he ever express, as his opinion, anything but his opinion. To do so would not only be inconsistent with the propriety of his profession, but would surely impair his influence, subtract from his reputation and render it altogether uncertain when he thinks what he says.

3rd. Towards the court he should be respectful and modest, but firm and candid and he should never endeavor to elude his own responsibility, by attempting to throw it unjustly on the court. This artifice is but too common. It is, however, not only disingenuous, but tends to disparage the courts of justice, in which public confidence is discreditable and disadvantageous; because it is dishonorable and indispensable to a satisfactory administration of the laws.

4th. In his intercourse with his professional brethren, he should be courteous, just and honorable. He should repudiate all dissimulation and low cunning, and all those commonplace and humiliating artifices of little minds, which constitute chicanery. He should desire only an honorable victory; such as may be won by fair means and fair arguments. If he beat his antagonist by superior arguments or superior knowledge, his success is creditable, but if he beat him in cunning, fraud or trickery, he degrades himself, prostitutes his privileges, and outrages forensic dignity and propriety. Such vulgar game is beneath the pride, and revolting to the honor of lofty intellect. It is the offspring of moral infirmity, and is, almost always, proof of a diminutive mind.

5th. A lawyer can hardly be both mercenary and just. An inordinate appetite for gain, is apt to seek gratification in spoliation, fraud, and oppression, and is generally the companion of a cold and calculating selfishness, irreconcilable with the most attractive and

useful of the personal, social and civic virtues. Avarice is also undignified and unreasonable. He who is not content with a competence for independence and rational enjoyment, has a morbid appetite which this world can never satiate—because it craves to hoard and not to enjoy. More than a competency is not necessary for happiness, and is but seldom consistent with it.

“Reason’s whole pleasure, all the joys of sense,
Lie in three words—health, peace and competence.”

And the book of books tells us that it is almost impossible for a very rich man to reach or, if he could reach, to enjoy heaven; because he is almost sure to be sordid and to look on ephemeral, earthly possessions, as his *summum bonum*, or supreme good. It is almost as difficult for a rich man ever to become a great lawyer. There are but few who can be stimulated by ambition or taste alone, to encounter the toil and vexation, the sleepless nights and anxious days, which must be the price of forensic eminence. And he who desires that his last moments on earth shall be gilded with a firm assurance that his children, whom he has pledged as hostages to posterity, shall be useful and honorable in their day, should not be solicitous to lay up for them, more of this world’s goods, than barely enough to enable them to give to their moral and physical powers proper means of employment and development. Why then should we court an empty and delusive shadow? Worse—an *ingnis fatuus*, that too often lures from the straight and open path of virtue and happiness; for we know how few there are or ever have been who dedicate their surplus wealth to its only useful and proper end—beneficence.

6th. But it is the duty of every man to endeavor honestly to acquire and retain the means of a proper independence. Industry and economy are therefore social virtues—and the lawyer, as well as any other person, should be paid adequately for his useful services. But this should be with him a secondary object. A proper administration of the laws, usefulness to his countrymen, and his own fame, should be the prime and controlling motives of his professional labors and ambition.

Concurring altogether in its truth, and deeming it here appropriate, we commend to your approving and abiding remembrance, a sentiment of the open-hearted and gifted Burns:

“To catch dame fortune’s golden smile,
Assiduous wait upon her,
And gather gear by every wile
That’s justified by honor.
But not to hide it in a hedge,
Nor for a train attendant,
But for the glorious privilege
Of being INDEPENDENT.”

7th. It is also very important that you should be able to communicate effectually what you know and feel. And to possess this eminent faculty, it is necessary that you should understand and feel your subject, and have an articulate and well modulated voice, appropriate action and a pure and felicitous style. No speaker can be understood, who does not himself understand his subject, nor make others feel what he does not himself feel. Others will never be enlightened by the mind of him who has no light, or moved by the tongue of him whose heart is unmoved. Eloquence is the voice of truth and of nature. It springs from the head and the heart—a clear head and a benevolent heart, are the living fountains, without which no limpid stream of eloquence will ever flow. Nothing can supply the want of good thoughts rightly felt. The stammer of Demosthenes and the wart of Cicero can never help a turbid brain or a callous heart—nor can all the “Contortions of the sybil” enlighten the head or move the heart without her “inspiration.” But a good manner and appropriate style impart to good thoughts their true grace and full effect, and are therefore important.

Every speaker’s manner should be his own. A natural manner is the only good one. The attitude, expressions and intonations of nature may be improved by judicious art, but never by servile imitation. The voice, especially, may be wonderfully improved in distinctness, melody and power—but with all the improvement of which it may be susceptible, it should still be natural. Mimiery is unseemly and ridiculous, and many a public speaker has been spoiled by attempting to follow some popular model.

Language, being the dress of thought, should be chaste and appropriate. The principal defects in Western elocution, and especially

at the bar, are verbosity and vociferation—too many words and too much noise. Our forensic style is generally too copious—and of most of our best speakers, the remark applied to Gibbon might with more propriety be made—“thread of his verbosity is (sometimes) drawn out too fine for the staple of his argument.” The style should be adapted to the subject and the occasion, and should always be pure and clear. This is the only safe or unerring rule. A speaker should never bawl or scream. His intonation should be regulated by the subject and the natural volume of his voice, but in such a manner as not to be disagreeable or unintelligible; and it is always very important that it should be distinct and audible. More words than are necessary to express the idea or emotion, just as it is in the head or heart of the speaker, should not be employed—

“Words are like leaves, and where they much abound,
Sound fruit or solid sense is seldom found.”

The true orator is never arrogant, presumptuous, pedantic or theatrical. Eloquence is well personified by Homer in his delineation of the style and manner of Ulysses:

“When Atreus’ son harangued the listening train,
Just was his sense, and his expression plain;
His words succinct, yet full without a fault—
He spoke no more than just the thing he thought.
But when Ulysses rose in thought profound
His modest eyes he fixed upon the ground,
As one unskilled, or dumb, he seemed to stand,
Nor raised his head, nor stretched his sceptered hand
But when he speaks, what elocution flows,
Soft as the fleeces of descending snows,
The copious accents fall with easy art,
Melting, they fall, and sink into the heart,
Wondering, we hear, and fixed in deep surprise,
Our ears refute the censure of our eyes.”

Here was no foaming or thundering—no redundancy—no affectation—no visible artifice—no unnatural drapery; but all was naked thought and feeling, presented in chaste nature’s simple dress. Such is eloquence and such, in a great degree, was that of the great popular orator of America—Patrick Henry—who, had he possessed the literary advantages and habits of reading with which some men have been blessed, would doubtless, have been the most perfect model of human eloquence.

Written or committed speeches are dangerous things to lawyers. Understand your subject thoroughly, and trust to the inspiration of the moment—nature will then do more for you, as to manner, than all the elaborate preparation of the closet.

8th. But the nature of forensic controversy requires that lawyers should possess a peculiar kind and eminent degree, not only of knowledge and persuasive elocution, but of dialectical skill. We do not mean the verbal sophistry of the school, nor that vulgar habit of weak and skeptical minds, of arguing as plausibly on the wrong as on the right side; but we allude to that faculty possessed only by a gifted few, of presenting the strongest ideas in their utmost force—of exhibiting the whole truth in its fullest effulgence—or of throwing over it, when expedient, the greatest obscuration.

Theycydides said of Pericles, as proof of his almost superhuman power and dexterity of argumentation—“When I have got him down, he cries out he is not vanquished and persuades everybody to believe him.” This wonderful debater did not resort to the shallow artifices of the pedantic quibbler described by Hudribas;

“Who could on either side dispute,
Refute, change sides, and still refute—”

But his resources were those of a mind that could perceive most clearly—a heart that could feel most keenly—and a tongue that could speak most seductively all that he saw, and thought, and felt. Common sense was his magic wand. It was also Patrick Henry’s great lever. This—the soul and end of all knowledge—cannot be acquired in the closet, nor found in books. It is instinctive and practical—the offspring of native sagacity and of an intelligent observation of things as they actually exist. Without it, all other knowledge will be comparatively useless, and may be easily misapplied and perverted. It is the visual organ of the body of human knowledge, without which, the mind is a labyrinth without a clue, or, when fullest of speculative wisdom, is like the blind giant striking in the dark.

Be careful, therefore, gentlemen, to learn, all that can be gleaned by rational induction from all things that come within the range of a reasoning, and discriminating observation. The rare knowledge that can be only thus acquired, will be necessary to enable you to apply

all that you have and know, most honorably to yourselves and usefully to mankind.

9th. A nuzzling pettifogger—*sutor ne ultra crepidam*—is one of the most contemptible and pestilent of human beings. A dishonest lawyer, of ingenious talents, is one of the most dangerous and terrible of the whole animal kingdom; but an enlightened and virtuous jurist is a sentinel of liberty, a minister of justice, a guardian of peace, on a lofty eminence, waving over the admiring multitude below and around him a pure white flag, bearing as its only motto, Law and Light, Protection and Right. Such a lawyer is the friend of the honest poor—the counsellor of the ignorant—the champion of the weak—the avenger of the wrong, and the advocate of right, public and private.

10th. But, gentlemen, to become eminent and useful lawyers, you must resolutely guard yourselves against two of the besetting sins of your profession—premature distinction, and political ambition.

You must be patient, constant and persevering. Professional ability and fame are ripe fruits of toil and of time—the *lucubrations viginti annorum* are not more than sufficient for their full maturity and grateful flavor.

It is neither prudent nor just to solicit more business than you can manage well; and a junior apprentice cannot well manage much. Too much will occasion abortions which may fix upon you a character which it will be difficult to change. It will be much more propitious to your future fortune and fame, that, in your initiative practice, you attend satisfactorily to a few cases, than negligently or unskillfully to many. You must not yield to despondency—whatever may be your difficulties or prospects, industry, perseverance and fidelity will ensure ultimate success. The best and most enduring products are of slow growth, and many of the greatest lawyers who ever adorned the profession, have encountered and finally overcome years of obscurity, poverty, and discouragement. But mark their season of trial was improved by unremitted study and observation. And here allow us to admonish you never to ask for employment or hunt for clients or underbid your competitors. No practice is more humiliating, or can be a more certain index of a destitution of merit; and, in the end, if

not at the beginning, it must operate injuriously. "The cheap lawyer," like "the cheap merchant" and "the cheap doctor," is generally, when the whole truth is known, the least useful and the most costly. Instead of obtruding yourselves into business or degrading yourselves by becoming the lowest bidders; prove yourselves worthy of public patronage, and clients will hunt you, and honorable and just employment will be certain.

11th. Beware of the seductions of political life. Whenever the tumult of the comitia becomes music to your ears, the grove of Egeria will be deserted or too much neglected. It is difficult for practical law and politics—though twin-sisters—to live and labor together prosperously in one household, and under the same guardianship. A young lawyer, attending properly to his profession, cannot be a very useful or distinguished statesman; nor can such a statesman easily or conveniently be a first rate practising lawyer. To become either useful or eminent as politician, your time and talents should be chiefly dedicated to political study and duty—so as to render a proper devotion to the law impossible—for to be qualified to earn political renown or do much public good, implies an extent of statistical, political and practical knowledge, which are the fruits of intense study, great talents, long service and matured experience. How insignificant is the upstart and shallow *quidnunc* who knows nothing of politics but what he reads in partisan newspapers, or hears in the street, on the stump or in the legislative hall? And how ineffably contemptible is the vulgar miscreant who, not desiring to know anything higher than party discipline, nor feel anything better than party devotion stifles conscience, prostitutes reason, and degrades his own nature to an approximation to that of the tiger or the wolf, in sacrificing, with a blind servility and fanatical alacrity, justice, principle, judgment, patriotism, and himself, as a mercenary offering to the rapacity of a political Juggernaut?

To render valuable service or acquire honorable fame as statesman, you must think for yourselves, and act as you think, and all alone for the true welfare and glory of your common country. And all this will require probity, firmness, and intelligence of no common cast. The subterranean path of the selfish politician is dark and devious, and full of peril—the sword of Damocles hanging over every

turn of its meandering course. And the more open and elevated way of the honest statesman, though radiant and straight, is beset with corroding anxiety, envious obloquy and mortifying disappointments. But few, very few political men have enjoyed the triumph of unvaried success, or have acquired honorable and enduring fame, fewer ever reached the goal of their highest hopes—and fewer still have been satisfied or content. Neither office nor civic honors can confer solid happiness and lasting renown; and therefore, neither possesses anything for which, in itself or on its own account, it will ever be sought or desired by a wise, and honorable man. When not bestowed as the just reward of merit, but obtained by stealth, or solicitations as the price of prostitution, they are but gilded ornaments which will glitter but for a short time in the eyes even of the ignorant or unprincipled, and can never serve as passports among honest and enlightened men. No active politician was ever a man of tranquil mind—no seeker of office was ever long contented—no lover of office, who delighted in reflected honor, was ever both wise and virtuous. Besides, political aggrandizement is so fascinating, and political ambition so all absorbing as generally to produce tastes and habits unsuitable to professional employments, and, but too often, uncongenial with the pure feelings of disinterested friendship, and the still holier sympathies and lovelier charities of private and domestic life. And like him “whose Empire has been lost in the ambition of universal conquest,” the man who attempts to become, at the same time a great lawyer and statesman, is almost sure to lose both objects of his enterprise. It is as unreasonable as unjust to seek political or official preferment until we are qualified to be useful and to earn honorable distinction. Do not then, young friends, enter the political arena, if ever, until you are properly matured, or have determined to dedicate all, or the chief of your time, to the public service.

12th. But the talents of every citizen belong, in some measure, to his country—and it is the duty of every one to contribute to the welfare of the commonwealth. If, therefore, at any time, you should think that you may be able to render valuable service in public life, and should be prepared to surrender your profession, or to make it only a secondary object and occasional pursuit, we should not dissuade you from yielding to a spontaneous call by your country into her

public employment. And should it be the fortune of any of you to be thus engaged, never forget your sacred obligations to truth, to patriotism, to honor, and to justice. Remember that your own fame will at last, depend on your own integrity, rectitude and talents; and that no man ever acquired honorable and lasting influence without intrinsic and superior merit. If you wish to be truly useful—if you desire the sincere esteem of virtuous and intelligent men—if you hope for posthumous remembrance and gratitude—be sure never to court or seek a vulgar and ephemeral popularity, which is the idol of unreflecting and unprincipled ambition, and is caressed and won by duplicity, servility and vice. Truth and probity and talents rightfully employed must finally triumph over every combination of hypocrisy, meanness and ignorance. The straight path of light and that alone leads to true honor and renown. Never sacrifice judgment to passion, light to darkness, principle to interest or your own dignity or conscience to the blind and ferocious idol of partisan faith and allegiance. The soul of most organized political parties is selfishness—the end, power and emolument in the hands of a few—the means, mock purity, counterfeit principles, popular excitability, passion and ignorance.

Look at democratic Greece, mobocratic Rome, or republican Florence, or France, or England, or America—consider ancient times and modern times—examine political parties of all times, and the truth just uttered will not be denied or doubted. The history of party under the Brunswick Dynasty in England is but an epitome of faction or selfish party everywhere. You recollect that after Pultney, Wyndham and Shippen, leaders of the malcontent Whigs, the Tories and the Jacobites crushed the Walpoleon party, they quarreled for the spoils, and Pultney, himself the popular oracle, like all selfish men in power, apostatised and out-Walpoled Walpole himself, as soon as he reached the premiership—the ultimate prize of his long crusade against denounced aristocracy and corruption. Such is noisy, vaunting patriotism—such is poor mortality when puffed with vanity, pampered with flattery or stultified by premature or unrighteous ambition. We are even indebted for Paradise Lost to Milton's blindness, occasioned by the prostitution of his great mind to the partisan drudgery of scribbling with intense devotion in favor of the sancti-

mónious and hypocritical Cromwell. And had he not written himself blind in the filthy cause of personal politics, he might have been long since forgotten or remembered with regret for talents perverted and patriotism misguided, Gentlemen, always be independent, and give your own reason full scope and fair play. Never pin your faith on a politician's sleeve. "*Cum Platone errare quam cum allis recte sentire*"—is yet the practical maxim of too many men who are entitled to be free. The authority of a great or popular name too often consecrates error and vice by confounding them with truth and virtue. Never flatter or deceive the people. Honestly seek for truth and justice—and never either do or utter that which your impartial and enlightened mind may condemn. Such a course of conduct will secure for you public confidence and esteem whatever may be your condition and it will be almost sure to obtain for you, sooner or later, a just share of the public patronage—but in any event, it and it alone, will console you with approving conscience. And is it not better to live like Aristides or to die like Socrates than to be an Alcibiades or a Cleon, hoisted on the shoulders of an insulted or deluded populace? Nothing but virtuous motives and useful deeds will embalm your names in the grateful remembrance of honest men; and an honest man would be ashamed of any other fame than honest fame. This alone is creditable—this alone useful—this alone will be pure and lasting. Not what for the moment may be popular, but what is right should be your purpose. Have the courage always to do right, and be afraid only of doing wrong. Honorable ends by honorable means—be this your motto—and then, if you fall, you fall a martyr to truth and will be blessed. But if you should ever rise by unworthy or dishonest means, you will, at last, surely fall, and be cursed both in this world and in that which is to come.

"Oh! is there not some chosen curse,
Some hidden thunder in the stores of Heaven,
Red with the uncommon wrath,
To blast the wretch who owes
His greatness to his country's ruin."

In political, as well as in civil and social life, be justly tolerant. Every free man has an equal right to liberty of opinion and of conscience. There is no real freedom when an honest man is denounced or disfranchised for an honest opinion. In describing a perfect

democracy, Thucydides put into the mouth of Pericles, the following among other admirable suggestions—"Not offended at any man for following his own humor, nor casting on any censure or sour looks—we converse freely with one another without fear of offense, fearing only to transgress against the public."

But whatever you may be, you will be citizens of a country the most interesting at a time the most eventful, and under institutions the most popular the world ever knew. The pilgrim fathers who planted the seeds of civil and religious liberty, the revolutionary worthies who conquered tyranny, consolidated the rights of man, and embalmed them in the affections of mankind—are all gone, and we too, of this generation, who have succeeded them, will soon pass away and leave to you, who are coming after us, and are about to take our places, a land and a government blessed, as we trust, by a benignant Almighty, as the abiding place of liberty and light for all generations of men in all times to come. We have anxiously endeavored to assist you in making some useful preparation for the enjoyments and the duties that lie before you. The field is unlimited—the harvest is ripe—the precepts of Washington and the memory of the illustrious dead are fresh and full before you—that happiness of the living, your own destinies, and the hopes of the unborn, rest upon you as among the laborers of the dawning day, and urge you to be in all things, and at all times zealous, and active, and true. In all the relations of life, important duties will devolve upon you—and in all, however humble or circumscribed, you may be eminently and lastingly useful. Enlightened reason, perfect justice, and comprehensive patriotism and benevolence, should be your cardinal guides. Cultivate to the utmost all your moral faculties—this you owe to yourselves, to your fellow men, and to him who gave you, as a sacred trust, all you have. Do all the good you can to others by a scrupulous attention to all positive and negative obligations, personal, social and civil; and never forget that you should always "do unto others as you would,—your places being changed—wish that they should do unto you"—this is the golden rule of philosophy as well as of religion. Cherish a rational love of your country, not only because it is your country, but because it deserves your love and support. But let your patriotism be not selfish or contracted, but

benevolent and comprehensive—embracing your whole country in all its parts, and interest, and institutions, and with an intensity proportionate to the benefits it confers, and the moral ties which bind you to it. Encourage the diffusion of moral, religious and political truth, and countenance organized efforts tending to promote the common welfare. Never encourage falsehood or vice, nor infect the morals, pervert the taste, nor unhinge the principles of any rational being by conversation or example either demoralizing or licentious. The ruin of one immortal mind could never be expiated by all the beneficence of a long and active lifetime. But, as the surest means of preserving everything else most valuable, strive by all proper efforts to maintain unpolluted the principles of constitutional liberty and equality, to uphold the authority of law, and to strengthen the ligaments and increase the harmony of the North American Union. Thus you may be useful and honored in your day, and inscribe your names on the roll of virtuous and enduring Fame. And thus, truly, you will have lived to the honor of your race, and the glory of your age and country. The good a man does dies not with him; his example and his labors live and act long after he is dead. Remember Socrates, Cato, Newton, Sydney, Franklin, Washington, and Marshall—their deeds live after them, and will long live to enlighten and bless mankind.

We must here conclude. The suggestions now offered, though cursorily presented *raptim et carptim*, we beg you to consider seriously and long remember.