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OFFICE DUTIES.

No man intends to pursue a profession for life, in which he believes he will be unsuccessful. But success, in our profession, is not ordinarily the fruit of great abilities or of great learning. There are splendid exceptions. Our vanity is flattered to hear it called a learned profession: and the lustre of great names shines far down the ranks, upon men not learned and not great. To the mass of practioners, the law is not, except on some rare occasions, an intellectual pursuit. Truth compels us to own, with Wordsworth, that "the demands of life and action," with us, as with men of other pursuits, "but rarely correspond to the dignity and intensity of human desires." We are clever men of business, as a mass, and no more. It is our BUSINESS TALENTS, our PROMPTNESS, ACCURACY, and DILIGENCE, that commands success, respect and influence.

Our legal education seems to ignore much of this. A superficial knowledge of a few books, "qualifies" us in common view, for our life-duties. In the course of ten years' practice, we learn to look back with just contempt on our acquirements when sworn into this learned profession of the law; and we wonder why some older friend was not kind enough to tell us the results of his experience. Few

men perhaps, would advise others to try the same paths by which they have climbed into their position. All seem to think an easier way might have been found. To endure hardness, is not accounted the necessary condition of good soldiership. Undeterred by such considerations, a practitioner, who mainly by the labors of authorship acquired means to fit himself for his profession, offers to his younger brethren the following suggestions. They are the fruits of a real experience, and not the theories of the closet.

THE OFFICE.

The office is a *place for business*, and for business only. The business community by whom you live, are quick to detect in *trifles*, the bent of a lawyer's mind. Their judgments are as severe, as they are irreversible. In their opinion, easy chairs, pictures, busts, expensive and showy furniture, are as incompatible with an earnest interest in their affairs, as the chess-board, the violin, or the fishing tackle, that betray the professional idler. An office scrupuously neat, plain, in good order, and plainly furnished, recommends its inmate more than columns of newspaper advertisements. To be always in the office, punctual as the hours of business; to leave word, if called away, when he will return, and to return at that hour; earns, so far, the reputation of a prompt man of business. In one word, if you desire to become successful, MAKE YOUR OFFICE A PLACE OF BUSINESS ONLY, *and always be found there, in business hours, ready for business.*

THE LIBRARY.

In intellectual, as in mechanical matters, dexterity is the result of exercise. The good workman uses few tools. Books are not knowledge; they are mere tools. A thorough familiarity with a few good ones, is better than the ownership of thousands. It may be a convenience to have them; but many books are by no means indispensable to the young practitioner: they are often an injury. The "Select Law Library," attributed to Professor Greenleaf, contains about three hundred and fifty works, including some of the

most expensive law publications. They will cost fifteen hundred dollars. The young men who are earning their way to the bar, read this list in despair. *No one man ever read these works; no man ever will.* Every lawyer, who has practiced seven years, can show on his shelves numbers of books, which he has never, during that time, consulted. Practitioners commonly have some work, with which they are very familiar, and they *always recommend that particular work.* Let us draw the just inference; they find that that book answers the demands of their practice.

The list of books which lawyers buy and never read, is a curiosity in legal literature. Over and over, and over again, the same point is decided and reported, till the reading lawyer sickens at the iteration. There never was any doubt at all on the point, for the last century; but counsel would not read their books; and so over and over and over again, the cases roll through the courts.[1]

BUY BUT FEW BOOKS: and such only as a present, actual want suggests to you. For the mass of books, access to a public library answers all useful purposes. The young lawyer *who buys a few good books and* MASTERS THEM, is a safe counsellor, difficult to match in argument, and is daily achieving a position. Before Lord Eldon ever had a case, he knew the name, and volume, and page, of every case in the chancery reports of his day.[2] Thurlow, was amazed to hear a youngster, whose name was almost unknown in Westminster Hall, demolishing, upon a review of the authorities, the judgment of Sir Thomas Sewell, in *Ackroyd* vs. *Smithson*, 1 Brown's Chancery Cases, 503.

To make a selection for others is difficult; but the following works are useful, whether one practices on seaboard or prairie. Kent's Commentaries; Adams' Doctrine of Equity, with notes by Collins, Ludlow and Wharton Smith's Mercantile Law, by Holcomb and Gholson; Williams on Real Property, a new edition of which by Mr. Rawle, of Philadelphia, is now advertised; Byles on Bills by Sharswood; Sugden on Vendors and Purchasers, by Perkins, and Greenleaf on Evidence. He who, in three years after coming to the bar, has mastered these books, and the statutes and reports of

[1] 3 Kent, *126, 169. [2] Townsend's Life of Eldon.

his own State, has done well, extremely well. No practitioner of older standing, if he knew the merits of Smith's Leading Cases, would be ignorant of them. By mastery of a work is meant, not mere reading; but such a familiarity with its contents as to be able to say, "the principle is discussed in Kent," or Smith, &c.

OFFICE PAPERS.

The careful lawyer will consider that he is conducting the important affairs of other men, who have a right to expect diligence, neatness, promptness, security for their evidences, and a punctual return of papers, whenever called for. He will also bear in mind, that the details of his business are in general known only to himself, and that the liability, to which all men are subject from the accidents of life, of being called suddenly away, imposes on him the duty of keeping up a faithful record of his doings, and of so arranging his papers that another can readily find them.

Simplicity of arrangement is therefore of importance. The office books should be as few as possible, and they should state, distinctly and fully, the exact condition of the business. A docket, a letter book, journal, and ledger, are probably all the books that any office will require.

The docket should contain a history of each case. It is important that no entry be made in it in anticipation, and that when new steps are taken, they should be immediately recorded. If this caution is not observed, the book not only misleads, but takes away from the practitioner, that ability of making a positive statement of the state of his case, that inspires the client with strong confidence that his business is properly attended to. The entries should embrace the full names of all the parties, plaintiffs and defendants, to the action; the number of the case, as it is numbered in court; the date of the issuance and return of all writs; the substance of the return; a statement of all orders and judgments, with a reference to the page of the court record where they may be found; a full index, direct and reverse, of the names of all the parties; and

the names of counsel on each side. The following form may be suggested:

Montgomery Common Pleas, No. 3019.

Todd. William Woodfall and Henry F. Tenant, partners under the style of Woodfall and Company, plaintiffs

against

Bays. John C. Copper and David Logan, defendants.

July 12, 1855. Petition filed and summons issued on promissory note for $200, dated April 10, 1854, payable in three months.
Amount due, $164 77
Interest from March 8, 1855.

July 23, 1855, Return days. Both served.

August 11, 1855, Answer days. Answer filed.

October 14, 1855, Continued on affidavit of defendants. Minutes, vol. 5, p. 1079.

November 20, 1855, Trial by jury, verdict for plaintiff's for $175 00

November 30, 1855, Judgment on verdict.
Interest from Nov. 1, 1855.
Minutes, vol. 6 p. 105.

December 2, 1855, Execution issued, No. 737 for $190 87
Returnable Feb. 2, 1856.
Sheriff's docket, vol. 7 p. 98.

Feb. 2, 1856, Money made by sheriff and paid over to plaintiffs.

Received, Feb. 2, 1856, of W. H. Todd, One Hundred and seventy-seven dollars, the amount due us on the above judgment.

WOODFALL & CO.

The successful merchant, by monthly balance sheets, keeps a vigilant watch over his affairs. The successful lawyer should be equally vigilant. To be often in default, and to sleep over the defaults of your opponent, are equally to be avoided. Promptness is a lawyer's first reccomendation, with many clients. As aids to this, tables should be kept in the docket, of the return days of the summons and of the issuance and return of executions. In Ohio, where actions are commenced by petition, in the shape generally of a special count in assumpsit, the summons is returnable on the second Monday after its issuance; and the answer day is on the third Saturday after the return day. Knowing the date of the issuance of the writ, the return and answer days can therefore be ascertained

in a moment. In the same State, in actions for the recovery of money only, the plaintiff is required to state the exact sum due and the date from which he claims interest. This amount is endorsed on the summons, and the plaintiff cannot recover any more. This amount should therefore always be stated in the docket. If for the plaintiff, to avoid the risk of taking judgment for more; if for the defendant, to keep the plaintiff within the limits of his demand. The date of the return day and answer day, should of course be entered on the docket, at the time of the *first* entry. From what has been said of Ohio practice, it will be seen that the return days are always on Monday; the answer days always on Saturday. Tables are therefore easily prepared for the year: thus,

Return Days of Summons.		Answer Days.	
August 6.	2487, 2506.	August 4.	2175.
" 13.	2485.	" 11.	
" 20.	2512, 2525.	" 18.	
" 27.		" 25.	2487, 2506.
Sept'r 3.	2618, 2407.	Sept'r 1.	
" 10.		" 8.	
" 17.		" 15,	
" 24.		" 22.	

Immediately upon docketing the cause, the entries of the return and answer days should be made in these tables. Thus nothing is left to memory; and if you die that night, your successor sees, at a glance, what pressing business is to be attended to.

A similar table of executions, exhibiting, in one view, that department of your business, is valuable. It should contain the page of your docket, the number of the case, the number of the execution, the date of its issuance, the date of the return, the name of the defendant, the amount of the damages and costs, and the substance of the return. These items might form appropriate heads for the columns.

As the cases in your practice will not occur in the order in which they are numbered in court, it is convenient to have some tempo-

rary guide, by making a skeleton index of numbers, leaving blanks between the numbers, to be filled up as new cases occur.

In the index of the names of parties, the surname should be placed first, in all cases. The page of the docket might be put in the margin, on the *left* hand, and the number of the case on the right of the defendant's name. An attentive observer will notice that he has as frequent occasion to refer to his docket to ascertain the court number, as for any other purpose.

Copies should be kept of all letters sent away, however *apparently* trivial. It is a step in your cause. It may become important. It may fix a date. It may repel a charge of negligence on your part. The letter-book should be indexed in the name of the person *to whose business it relates*, as well as in the name of the person to whom it is addressed. You will always remember the name of your client, for whom you may write to forty persons, whose names you never remember. A reference to his name, will thus lay open your whole correspondence. Letters relating to cases pending, should be "ear-marked" in some way, to show their connection with the other papers; as, for example, by putting the number of the case in the left-hand corner, thus; "No. 3019, C. P."

Letters received should be endorsed, so that when filed, the opening of the folds should be towards the *left* hand. You turn over files with the fingers of the right hand, and on searching, you desire to be sure you have turned over the whole document. Endorse it on the other side, and you may mistake one letter for two. This looks trifling, perhaps; but nothing that secures *confident accuracy* and dispatch in business, is a trifle. The endorsement should state the date, the writer's name, and a catch-word, indicating the nature of its contents; and, when answered, that fact, and a reference to the page of the letter-book where the answer is copied. The envelope, containing the *postmark*, must be preserved. Though there be no explicit statement connecting the letter with the envelope, the presumption of law, arising from the course of business, will connect them, *prima facie*. *Hartley* vs. *Wharton*, 3 Perry & Davison, 532. It is familiar to every one, that the letter-

book will be evidence that letters were sent;[1] and the postmark, when proved genuine,[2] will show that on that day the letter was in the office. Letter-press copies, though apparently on first impressions, fac-similies of the original, are not primary evidence,[3] since the original may have received subsequent additions or corrections. Prudence towards your client, not to speak of a delicate regard for one's self, forbids, of course, the tearing off of any superfluous paper from any letter received. It opens the door to suspicions of mutilation. A lawyer's honor, like a woman's, must be above all suspicion. He, as well as she, must avoid the very appearance of evil.

If the facts did not prove it otherwise, it would seem hardly necessary to remind a man of business, that tardiness in answering letters, is extremely injurious to his practice. If the letter requires an examination to be made before it can be answered, acknowledge its receipt at once, and then set about making the examination. A well-written letter is a letter of commendation. Postage is always money well spent.

The indexes to the docket and the letter-book, should be indexes to all the office business. They should therefore be connected with the files of papers. Many plans of arranging files are adopted in practice; but looking to simplicity of arrangement and the permanency of the court records, none seems so simple and so accurate for present and future reference, as that of filing away papers, letters, documents, and the like, with *the papers of the case to which they relate.* Thus, all a client's documents in any case, may be found in one envelope; and the distressing accident of a letter being discovered to be mislaid, on the eve of a trial, in which its production is vital, is avoided. A strip of strong post-office paper, cut to the width of a foolscap sheet, and twenty inches long, wrapped several times around the papers, makes a better envelope than an unyielding one, and preserves the papers from wear and

[1] Sturge *vs.* Buchanan, 2 Perry & Davison, 573.

[2] New Hampshire Bank *vs.* Mitchell, 15 Connecticut R. 206.

[3] Chapin *vs.* Siger, 4 McLean, 378.

dust. A dozen strips of each paper, nailed to the door of your case of files, ready at hand, saves some time. The envelope is of course endorsed with the name of the court and the number of the case, high up to the top, and the names of the parties. *The number of the case corresponds with the number of the case in court*, and therefore with the number on your docket, and in the index of your docket. The index of the docket is thus an index to all your pleadings, letters, and documents relating to cases at any time in litigation. Pigeon-holes are so apt to accumulate dust, that paper boxes the size of pigeon-holes will be found quite convenient. Those in common use in Ohio, the invention of Edwin D. Dodd, a very promising member of the Cincinnati bar, are usually made four inches wide, being the width of a foolscap sheet folded twice, nine inches high, the width of a foolscap sheet, and six inches from top to bottom. On one end is a tape loop to pull the box out of the pigeon hole. The lid which is at the opposite end, is composed of the whole of that end, nearly half of the upper side, and triangular sections of the lateral sides; so that the lid is in the shape of the half of a cube divided diagonally. It is joined to the box on the upper side by cloth hinges, and has tie-strings on the lower edges. When the lid is thrown open, therefore, the end of the box on which the loop-handle is, becomes the bottom; and nearly half of the side at the upper end being thus removed, the endorsements on the files are readily seen without taking them out of the box. On the loop-handle end should be a label containing the name of the court and the *extreme* numbers of the files within, thus, COMMON PLEAS, 550–795. When these boxes become numerous, they should be numbered.

Papers which do not relate to any case, may be assorted into boxes, under some such titles, as "agreements," "deeds and mortgages," "for suit," "letters not relating to any case," "deposits," i. e. papers left for custody, or by accident, in the office.

A court docket of small size, containing the names of all pending cases, may be used as a kind of blotter.

PREPARATION OF CASES.

Another office duty much neglected, is the preparation of briefs. In English practice, brief means a condensed statement of the facts of the case. Much of the success of the English lawyers in examining and cross-examining witnesses, is owing to the fidelity with which the attorneys have performed this part of their duty. Nothing can be added to what Chitty has written, in his General Practice, vol 3, page 847, upon this subject. It is worthy of an attentive perusal.

The brief should contain,—

1. A full and accurate copy of all the pleadings.

2. "A distinct abstract and statement of what *facts*, so far as respects the pleadings, are thereby admitted, or must still be proved or disproved by the plaintiff or defendant."

3. A careful analysis, concisely stating, first, the plaintiff's case; second, the expected defence; third, the best answer to it.

4. A detailed statement of all the material facts and circumstances, in their natural historical order.

5. "A compact, analytical table of the *dates* of every material fact, arranged in natural order."

6. An analysis of the proposed proofs, with a statement of the names of all the witnesses, commencing with the *formal* proofs, as the execution of documents, &c. In Ohio, a party who declines, before the trial, to give a written admission of the due execution of any document, has to bear all the expenses of proving it, unless the court think the refusal was founded on good reason. Curwen's Laws of Ohio, 1219.

7. A consecutive statement of what each witness for the plaintiff will testify. Immediately following the witness's name, or in the margin, state his age, occupation, residence, character and temperament, and any fact which may aid the examining counsel, or may affect the weight or credibility of the witness's testimony.

8. A similar statement or detail of the names of the defendant's witnesses, their age, occupation, &c., and the facts which each one

is expected to testify to. Your adversary's subpœnas will generally advise you, whose testimony he considers vital, and will thus supply many steps in your inquiry. In practice, it is not difficult to form a pretty accurate calculation of the substance of what will be adduced against you. To go to trial in ignorance of it, is to emulate the wisdom of that king, who, with ten thousand men, disdained considering how he should meet him who came against him with twenty thousand. A just cause is a stronghold, but many just causes have been lost for want of this ordinary prudence.

In preparing the brief, great care must be taken not to ask your client or your witnessses, leading questions. What is needed, is the exercise of their independent memory, not passive assent to your suggestions. Men not under the solemnities of an oath, will often carelessly assent, by replying yes or no, who, when put upon their accurate recollection, will give quite a different version of the facts. A witness carefully and honestly examined, as you would be compelled by the rules of evidence to examine him, if on the stand as your witness, will seldom disappoint the party calling him, by breaking down under the fire of a cross-examination. The almost universal complaint, that witnesses do not sustain in court the statements made to counsel in the office, arises from neglect of this precaution.

If the points of law involved in the case are not those of daily occurrence, add to your brief a statement of the law. Though a judge is ordinarily ready to receive any assistance counsel may offer, there is some risk that he may feel himself depreciated by the citation of authorities on points of daily occurrence. This is one reason why practitioners are advised below to attend courts, that they may learn the views of judges. The propositions to be adduced should be set forth if possible in the words of a decided case, or of an approved text writer, and the *names* of the cases and the page and volume distinctly stated. If objections to evidence are anticipated, a case in point should be cited in the margin opposite the expected statement of the witness. No case should be noted on your brief upon the authority of any digest, index, or text writer.

It ought to be read and not noted, unless believed to be in point.

The vast multitude of reports made easily accessible through digests will almost always furnish such cases.

If special instructions to the jury are deemed advisable, they should be written out in the office before the trial, in carefully chosen language; if possible, in the words of a decided case, and each proposition on a separate sheet and plainly numbered. It must be remembered that the judge has heard nothing of the cause he tries, until the trial came on. The clearest headed man may become confused by the mass of contradictory evidence. In the hurry of a trial, he may misconceive the true bearings of the case. If instructions carefully written are handed to him before he charges the jury, it may call him back to the point. If he refuses the charges, no dispute will arise as to their terms, when he is asked to sign a bill of exceptions.

In the preparation of the brief on the law of his case, the practitioner exerts some of his highest abilities, the soundness of his judgment, the keenness or his sagacity, the extent of his real learning, his accuracy of reasoning and statement, and his prudence in adapting his argument to the mind of the judge he addresses.

Having acquired a perfect knowledge of all the facts, he endeavors, first, to determine upon what legal principles the claim he is to advocate depends. If the result he seeks is just and morally right, he may assume at the beginning, that the books will furnish him principles, by the application of which, that result may be obtained. He ought to *doubt* the *logical soundness* of any legal conclusion that establishes injustice. "Whenever it shall happen, as it does daily, that a moral question enters into the determination of a controversy concerning rights which society confers, it will be found almost invariably, that the *rule of law* by which those rights are to be determined, *is strictly consonant with the moral law.*" Warren has substantially stated this, in his "Law Studies," and every practitioner who argues his causes upon legal principles, must bear witness to its truth.

Suppose the case in hand to be that of a merchant, A, who has contracted with a shipwright, B, to build him a ship, to be paid for by instalments as the work progresses; is paid for accordingly; but

while the ship is still on the stocks and unfinished, it is levied on by the creditors of B.

That one man's property should not be taken to pay another man's debts, is so obvious that the mere statement of it suggests that the only question is, whether the ship belonged to A or B. If A paid for this *specific* property, upon an agreement that it should be his if he so paid, it would occur to most men that he ought to have it, but if his payments merely made him a creditor of B, he ought to stand on the same footing of all B's other creditors; since one or all must be alike disappointed by B's failure to meet his engagements. But if he acquired this specific property, it must have been by a sale from B, the owner. Now, was there any sale? What is necessary to make a sale valid as against creditors? The beginner in practical questions may not perhaps perceive that he has thus brought his moral deduction into contact with a rule of policy as to fraudulent sales; but he sees that it is a question of *sale*, and that the point of his inquiry is as to the requisites of a *valid* sale. He is already familiar with Kent's Commentaries. He will turn to the chapter on sales. In the second volume, on page *504, the question is discussed, and the cases of *Wood and Russell* and *Clark and Spence* are cited. Referring now to any larger work on sales or contracts (for a sale is a contract), and examining in the table of cases, for *Wood and Russell*, or *Clark aed Spence*, he is led at once to the exact paragraph where the author discusses cases like the one in hand, and cites all the authorities. Having read the text writer whose text he must regard as nothing more than the writer's deductions from the adjudged cases, he should now read *all* the cases to which the author refers. In the course of such an investigation, he will learn all that has been said on both sides of the question, and since contested cases are apt to call forth exhaustive reasoning, he is generally in his reading, advised as to the probable line of argument his adversary will adopt. He is now prepared and not before, to extend his inquiries by means of digests. Harrison's Digest, and Chitty's Equity Digest, by Macauley, lay open the whole of the modern English reports, and the United

States Digest, and Putnam's United States Equity Digest, the body of the American reports. Let no modern case, i. e. since 1760, go unnoticed. The advantage of this wide reading is, that you throw off the habit of looking at the mere *language of judges* for the law, and learn, under every modification of circumstances, to discover the principle.

Beginners commit three prominent errors in searching for authorities.

1. They pass by and overlook the elementary text books, and resort first to digests. They forget that text writers are under a necessity to discuss principles, and that a competent author cannot but abridge the labor of any subsequent inquirer. An *intellectual use* of a very few books carries a lawyer a great way. A knowledge of the books already mentioned above, will fit any lawyer to begin the investigation of *any case* that can occur in practice.

2. They do not make themselves familiar with the statute law of their own State. Probably more than half of the new questions in the modern reports depend on the construction of statutes. A knowledge of statutes picked up at odd times by glancing over indexes, will not answer the demands of a successful practitioner. He must know the text and its connections with other statutes. It is lamentable to see cases elaborately argued on common law principles, in courts of the highest resort, which may be disposed of by simply reading the statute that counsel have overlooked.

3. Their reading is directed, not by a desire to comprehend the extent of the principles which are illustrated by the case in hand, but with sole reference to the use of that decision as an authoritative conclusion of all further reasoning upon the subject. Similarity in accidental circumstances, is the guide and success in that particular litigation, the end and aim of all their research. The degree of intellect required to measure tape or to match colors, is, in this instance, applied in matching cases.

ATTENDING COURT.

What position is to an army in battle array, office preparation is to the successful lawyer. Many lawyers venture upon the hazards of a trial, without any, or with the most hurried and slovenly preparation, and are consequently overthrown in the first encounter with a ready opponent. He finds that his evidence fails him, his objections to evidence, not being considerately made, are overruled; all his arguments are anticipated, and the steady and orderly array of the opposing evidence, called forth in all the confidence which a thorough preparation of the brief insures, destroys even the chance of getting a new trial from the court. But office preparation is only one of our duties, and even that requires occasional attendance on the courts. The utility of daily, habitual attendance on courts has been much discussed among lawyers. Some speak of it as a *loss of time*. Let us learn wisdom from our clients. Do merchants think it lost time to spend an hour a day on 'change? The competitions of trade open men's eyes to their real interest. Try daily attendance for a year, and you will continue it for life. There are numberless questions of local practice which do not find their way into the reports, and which can be learned only in a court. If a client discovers his counsel to be ignorant of the little details of practice, which many lawyers think too little to learn, his confidence will be at once shaken. He will think, if he does not publicly say, "Even the clerks in the offices knew better." This neglect to acquaint one's self with the details of one's own business, meets with great contempt from the business community and the courts. The young practitioner should make it a rule to be in court every morning at the opening of the session, as punctually as to any other business engagement, to listen with interest to the decisions which may be pronounced, to examine all the entries on the court minutes as soon as they have been signed by the judge, and whether he has a case coming on or not, to remain in court till the regular trials of the day are entered upon. He thus shows himself as a man of business among men of business, extends his acquaintance with the bar who determine his rank with the community,

familiarizes himself with questions of practice, the course of business and the forms of entries, is sure no steps have been taken against his clients during the preceding day, or if taken, is ready promptly to combat them, acquaints himself with the views, temper disposition and prejudices of the presiding judge upon points of law and modes of business, learns from the bar all the queer ways men have of looking at and presenting legal doctrines, copies into his court docket references to the pages of the court journal containing entries relating to his business, and returns to his work reinvigorated, physically and mentally by his contact with the active life of the bar.

Fidelity in the accurate and punctual performance of business is a quality so rare among men as to justify the wisest of mankind in saying, "Most men will proclaim every one his own goodness, but a *faithful* man who *can* find." In the practice of our profession, many steps intervene between the plaintiff's demand and the receipt of the proceeds of the execution—writs are issued and served, orders made, advertisements published. All are entrusted to persons in no way interested, in money or reputation, in their accuracy or punctuality, and therefore all require the vigilant eye of the attorney, who, substantially is responsible to his client for the mistakes of every body. It is a rule of evidence that every man is presumed to do his duty, a rule which it is safe in such cases to invert and presume that *no man will do his duty* without constant watching. "It is surprising" said an eminent practitioner, "that *grown-up men* can act so like women,—like ninnies,—like jackasses!"

Examine the return of the sheriff or marshal immediately, prepare your own entries for the clerk, and see that they go into the record correctly, scrutinize the writs issued, make sure of the accuracy of the advertisements. You thus move surely, and will seldom lose the fruit of your judgment by the interposition of technical obstacles.

To practice law in the mode here indicated, is certainly laborious. But incessant labor is the high price of success in every pursuit. The first years of a professional life have been almost always to the ultimately successful, a period of severe trial. Commonly, patience and hope are the young lawyer's only supports.