

somebody is hurt in an accident at the nearby street corner. But the attorney has to sit in his office and wait for people to seek him out, to put their affairs in his hands, to lay the money at his feet.

What that period of waiting means, only those who have gone through it can understand. It calls for infinite courage and inestimable patience. It is often asked what becomes of a majority of the young men who are graduated each year from the law schools. I can answer that question. Their souls are tortured and their bodies are starved by the hopeless and terrific fight they have to make against time, and they are driven into other fields of endeavor.

The trials of the years devoted to "making good" have infinite variety. At first you get no money at all, and then you get it in sums ranging from five dollars to forty. In the first four years that I practised a fee of fifty dollars looked like a windfall. I had to decline the first big fee I was offered, and it took me twenty-four hours to decide to do it. It concerned a libel suit. The complainant in the case had thought of retaining me, and, before I had told him how much I would charge him for my services, had sketched in a general way the basis of his claim. After he had decided to get another lawyer, the defendant offered me two hundred and fifty dollars to represent him. That money had for me all the charm and attractiveness of a cross section of a gold mine; but I told him I could not let him know for a day or two whether I should represent him.

Then I thought it over. By the strictest interpretation of the ethics of the profession I might have been liable to criticism for representing one man when the other side had made a partial confidant of me. Moreover, it did not appeal to me personally as savoring of fair play. When I refused to take the case, I was the saddest young attorney then decorating the profession.

TO this day I can remember the face and expression of each important man who came to me for legal advice. Do not mistake me. They did not come quickly, nor did they invade my office in shoals. For almost a year the one little room where I had my poor furniture and few books presented all the hubbub of the Sahara desert and all the companionship of a monk's cell. But gradually, as the months and the years rolled by, the influential men, the big men of affairs in the community, came to me one after another. At first one came, and then there would be a hiatus of five or six months before another, a benediction in human guise, cast his shadow across my threshold. The arrival of each one was to me like the coming of a prophet, and I finally began to have a practice.

The first money I ever received after my graduation was thirty dollars for writing a final oration for the president of a class in my college. But, with the gaining of real practice, I had to work, and work hard. One day I awoke to the fact that my future was assured if my health would hold out. I had been working day and night—and only those who have gone through the fires of that particular affliction which comes to a young and nervous lawyer can know with what incessant diligence I delved into precedents and reports.

At the end of my fifth year I was made Prosecuting Attorney for my county. It is in such a position that a lawyer comes face to face with the highest and the lowest things in human nature. The thief, the firebug, the forger, and the murderer pass before you in what is rather a sickening procession. You have often heard, no doubt, that every Prosecuting Attorney tries to get an indictment and a conviction whenever the opportunity offers, no matter whether the suspected or accused man is guilty or innocent. This is merely another popular mistake.

I shall give only one example. A man prominent in the community had been accused of converting trust

money to his own use. He was indicted and put on trial for embezzlement. At the beginning of the trial I was convinced that he was a guilty man; but the cross examination of some of my witnesses by the defense revealed facts that showed conclusively to my mind the prisoner's innocence. Immediately I got to my feet and asked the court to give the case to the jury with instructions that a verdict of not guilty be returned, and demonstrated in a very few sentences how the questioning of the opposing counsel had proved the innocence of the accused. Later we caught and convicted the real thief.

After fourteen years in my home town I moved into a large city where I had already become sufficiently known to insure my starting out with excellent clients. From my life in both a country town and a city, I have become convinced that the country lawyer is a better all-round man than the city lawyer; for he knows more kinds of law, comes into contact with more different brands of human nature, and has every known sort of issue to handle. After I went to the city I tried only one criminal case, and that was because my client came to me and said:

"I don't want a criminal lawyer, simply because I am innocent. If I were guilty, I should probably select a man noted for cheating the jail of its prey."

That case was one of the hardest I ever fought; but the man was innocent and was finally acquitted.

YOU, as a layman, say and believe that a lawyer accepts any case that is brought to him, irrespective of the righteousness of the cause involved. This is not true. I know Erskine laid down the principle that a member of the profession was bound to defend or to represent anyone who came to him, because a refusal to do so presupposed a man's guilt, and a court could not go on such a supposition. In the United States this theory has been modified. As far as I am concerned, I say this to those who want my services:

"I will take no case in which I do not believe. For this I have two reasons. In the first place, I cannot do good work if I don't believe in your position. Secondly, I do not intend to represent injustice before a court of justice."

The public seems to lose sight of the fact that a lawyer is a sworn servant of the court. But he is just that. Moreover, I have always contended that the good lawyers of the United States know fully as much law as the Judges. And these two facts prove what I said in the beginning of this article,—that the private offices of the lawyers are the Great Court of the people. Bear in mind that what I say contains nothing specially applicable to me. My rule of conduct has been the rule followed by the great mass of men who are in my profession.

Whenever a client comes to me for the purpose of instituting a suit against some other party, I review the facts, and, if they warrant it, give this advice:

"I shouldn't go into court on this if I were you. I think we can reach a compromise and avoid all the publicity and a great amount of the expense that would be entailed by a court trial."

And, if he is a reasonable man, he generally follows that advice. The hardest people to keep out of the courts are women. Let a woman once get the idea that she has been treated unfairly or that she has lost money through the dishonesty or carelessness of some other person, and soothing words have considerably less effect on her than trying to shake down Gibraltar by whistling "Yankee Doodle" at it.

Consultation, conference, and adjustment are the main business of any lawyer who does not devote all his time to the practice of criminal law. You hear of thousands of cases going to trial; but you never hear of the hundreds of thousands that are settled quietly,

without publicity, and with entire satisfaction through the efforts of two or more lawyers. Naturally, nothing is heard of these. When Dickens drew the rather exaggerated character of Mr. Tulkinghorn, the funereal looking man who had locked in his breast all the family secrets of the English nobility, he described to a nicety the secrecy and trustworthiness that must characterize all lawyers in dealing with the family and legal affairs of their clients. The Æsculapian oath of the physician is no stricter than the bond of secrecy that gags the lawyer's mouth.

IF my experiences in the law had not convinced me that both law and lawyers were working every day for the betterment of men, I should be a disappointed man. There is throughout the country today a widespread and justifiable complaint that there is too much delay in the administering of the law. The law, clogged as it is with the impeding rust of precedent and red tape, is a great engine for good. And I make the prediction here that within the next ten years there will be a tremendous change in the operation of this engine. The reform will be wrought by the mere force of public opinion on both bench and bar. Nowadays there is too much attention devoted to useless technicalities and needless excuses. Under the pressure of public opinion, our Judges, supported by the bar, will exercise all their power to expedite litigation, a power they have always possessed but never fully used. They will come more and more to the method of an old English Judge whom I much admire.

His plan was simple. He would get before him the opposing lawyers and state the controversy. Then he would ask them what points in the controversy were not disputed. When they answered, he would say:

"Therefore, Gentlemen, we need waste no time on this, or that, or the other. We get down to the point at issue. One side take twenty minutes, and the other take twenty. Now say what you have to say, and I will decide the case."

Something of this spirit would lift from all the people a tremendous burden of expense and suspense. All classes suffer by the present policy of delay; but, as has been pointed out by President Taft, who was himself an eminent Judge, the great share of the burden is on the shoulders of the poor,—the men who cannot afford to pay big fees, and the widows whose little money may be withheld from them for several years by procrastinating tactics.

That all this will be changed, is the conviction of the great body of lawyers, and the proof of the prophecy lies in the nation-wide agitation now being carried on to make it a certainty. It is being taken up by Legislatures and bar associations, and it will be helped along with growing swiftness by every attorney who wishes to keep his profession free from reproach. For instance, nobody will deny that it is almost criminal to devote so much expense and time and trouble to proving dead men's signatures in dealing with property titles that the court and everybody else knows are vested in certain persons beyond the slightest shadow of a doubt. If such a title is clear and if nobody denies it, why cannot the court order that it be so recorded and thus expedite that which should not be delayed?

Five years ago it was a greater habit than at present for lawyers to forget their duty of serving mankind and to devote themselves to serving one man. I refer to the habit of a lawyer giving all his time and services to one client or corporation, and to the allied custom of serving as counsel for a big company and getting his remuneration in the shape of stock in the firm. Twice in my career I have been offered such a position,—a flattering salary for giving all my services to one corporation. I refused them both. I do not intend that I

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By JOHN D. QUACKENBOS, M. D.
Professor Emeritus of Columbia University

I EARNED my first dollar when I was about sixteen years old. This was up in New Hampshire on the Northern New Hampshire Railroad. Somehow it had become noised throughout our valley that there was a store down at Potter Place where delicious candy could be purchased.

I lived at Danbury, and the railroad fare cost just one dollar. That was a fortune in those days, and my father did not provide transportation money nor include it in my allowance. What he gave me was only sufficient to buy the so-called chocolate drops made out of South Carolina clay and burnt amber, wherewith to treat the newest nymphs of the valley to the north. After investigation, I learned that I could work my way and thus pay my passage, if I would fill the tender of the engine with cordwood. It was hard work. My hands were filled with splinters and I perspired freely in filling up that old tender, which had what seemed like bottomless capacity; but at last the task was completed. I made my first dollar and the first of a series of trips

HOW I EARNED MY FIRST DOLLAR

to that store, where I would alternate my purchases by buying a delirious kind of cologne water that we nicknamed gumstinkum.

There was a peculiar history about that valley. It was Confederate in its sympathies, and every Confederate victory was celebrated by the inhabitants firing cannon in the regular old Fourth of July manner. It was always referred to in these quarters as the Nigger War; but no one in that region had ever seen a negro, and I remember that in 1864 a negro boy was put on the train as a newsboy and peanut vender and the farmers came from all over the country to wait for the train to come in, that they might see what a colored man looked like.

By WILLIAM O. BRADLEY
United States Senator from Kentucky

THE first five dollars I ever earned I still have in my possession, in a safety deposit vault. I earned this sum as a retainer for trying a forcible detainer case before the Justice of Peace. At that time the laws of Kentucky required a man to be twenty-one years old before granting him a license to practise law. I was eighteen; but by special act of the Legislature was allowed to be licensed upon examination before two Circuit Judges. I was found to be competent, passed the examination, got a license, and the five dollars that I now prize was my very first fee.



By JOHN D. CRIMMINS
Banker and Contractor

IT was in 1856 that I earned my first dollar. I recollect it more distinctly because of the stirring times and martial parades existing then. It was in the summer or early fall that I discovered how I might earn some money carrying water to the soldiers drilling in the section called Hamilton Square, in New York City. In those days every voter was conscripted to drill one day in the year, and, being a boy, I loved to watch them drill like the awkward squad that they were. Suddenly it occurred to me that the regular soldiers, who were also drilling, might pay me for drinking water.

I got two big tin buckets and sold them water from a tin cup at the rate of a cent a cup. They were glad to get it at that price. I carried the water from a well on Boston Road to the site of what is now Normal College.

I don't remember what that dollar helped me to buy; for I saved it with the other money earned that way during the summer. There were not the temptations to spend money in those days that there are now, and so it was not difficult to save.