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ADVICE ON THE STUDY OF LAW—APRIL, 1834

CLELL W. HARDEE*

This letter is one which was written by Chief Justice Story to Doctor Francis Lieber in 1834 answering a request for advice on the study and practice of the law. To the best of my knowledge and belief the transcription is set forth here exactly as it was in the original letter, which is now in the Lieber collection, Huntington Library, San Marino, California.

Cambridge, April 5, 1834

My dear Sir:

In reply to your letter of the 27th inst., I will proceed at once, before I mention other matters, to that, which must be to you the primary consideration, the question of your studying law—I will proceed in the order of your points.

(1) How much time would be required?—I think with your attainments four hours a day for two years would be amply sufficient to give you all and *more than all* the knowledge attained by young gentlemen, when they are admitted to the Bar. But as rules of admission to the Bar differ in various States—Some require three years study; (as with us); some two years; some one year, or even a less period. How it is in Penn.—I do not know. In the western states a short period only is required.

(2) With whom should you study?—It is difficult for me to give the best advice—but I should think Mr. Sergeant, Mr. Jasper R. Ingersoll or Mr. Chancey the best leaders, for they are in full and various practice.

(3) How long would it be before you could maintain yourself in the practice of the law? It is difficult to answer this question in any satisfactory manner. Much depends on your choice of *location*, upon accidental chances of business, upon patronage, and upon the facilities of getting known at the Bar and among the people. Young lawyers rarely are able to maintain themselves until they have been at the Bar as long as three years. With your talents and acquirements I should not doubt, that with a tolerably favorable location you would be able to do so in that period. In the west, at least in Indiana, or Illinois, or Michigan, I should not doubt Ohio is not unfavorable. But I should think Kentucky would be unfavorable not for a literary man, but for a *stranger-lawyer*. The jurisprudence of that state is peculiar and artificial, and difficult to be mastered.

(4) Would I advise you to go to the West after studying law? I doubt not, that you could earlier or more surely command success there, than in an old country, where business is already settled

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down into known hands and habits. But Pennsylvania has some advantages for a German, as many of the inhabitants speak the language. And Philadelphia, is a highly literary city, which would give much collateral employment to an active and ardent mind, in writing and translating, or in writings until a well (. . .) and reputation shall bring *law business*—If you were educated in the Common Law and its practices, you could confer invaluable services upon American jurisprudence by translating, abridging, and illustrating foreign law and the Civil Law, so as to bring each of them within our reach. But I should hope, that you might obtain (at all events), some academiial professorship in a literary city, which would aid any other objects which you might indulge in.—I am free to say, most think few men so well qualified, as yourself, for such a station. If Howard University should (by and by), establish a Professorship of History, I should not be without hope, that it might be offered to you. We should not have any objection to your foreign birth and education. I do not know that Mr. Starks would desire such an office. I rather think he would prefer a free literary life—but, of course, I do not know his wishes: and, if he should desire it, his claims would probably be preferred to those of all other persons.

For myself, I can only say, that I dare not recommend to you any particular study strongly, because I am sure, that you can best judge for yourself upon a survey of the whole ground. But I have a very strong belief that you could scarcely fail of success in anything which you should undertake. My confidence in your talents has never been disappointed; and it seems to me, that with your industry and attainments you cannot long be without adequate support. If I were to choose for you, I should choose a Professorship, or a devotion to literature as an Author, in the study of the law, for practice and for composition. In studying the law I do not think you can do better than to follow out our course of instruction at Cambridge, of which I suppose you have a program.

I have sent by William Gray two copies of the *Conflicts of Laws*, one for yourself, and the other for Professor Mittenmaier. Please to advise him of it when you next write. Apraise him also of my great gratification in his opinion of my work on *Constitutional Law*. I shall complete the law article for him as soon as possible, and send it to you. Probably with that I shall write him a letter to your home. I hope the time is coming, when all lovers of the law, on the Continents of Europe and in America, will be brought closely together for mutual improvements. I shall press Mr. Sumner to learn German. I deeply regret that I do not know it; and if I could command time I would buckle on my armour and yet contend for the prize. I am most truly your obedient friend
Doctor Lieber.

JOSEPH D. STORY.