

# **“ Study of Law by Lawyers ”**

**By**

**Charles C. Willson**

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**In May 1895, the *Minnesota Law Journal* published “Study of Law by Lawyers” by Charles C. Willson, a Rochester lawyer and Reporter of the Supreme Court. It was a short lecture on how lawyers could improve their ability to apply general rules of law to the “complicated facts in a client’s case.” In a nutshell, he recommended that a lawyer digest one published case each day. From this daily exercise, professional success will “probably” follow. Some readers may have found it wise and helpful, others condescending and impractical. Regardless it was an inadvertent revelation of Willson’s own peculiar office habits, which he hoped other lawyers would adopt.**

**This article was published when most lawyers had been educated during an apprenticeship in a lawyer’s office. Years later first year students were taught how to “digest” cases in their first week of law school. When Willson states that the case to be digested each day can be found in the “reports,” he refers to the Regional Reporters of West Publishing Company—one more instance of the growing importance of West to practitioners at this time.**

**Who was Charles C. Willson? The following flattering profile was published in *The United States Biographical***

***Dictionary and Portrait Gallery of Eminent and Self-Made Men. Minnesota Volume in 1879:***

**CHARLES CUDWORTH WILLSON, the most extensive and successful legal practitioner in Olmsted county, and a leading farmer in the valley of the Zumbro, was born in the town of Mansfield, Cattaraugus county New York, on the 27th of October, 1829. His grandfather, Ezekiel Willson, a revolutionary pensioner, was born in Rehoboth, Bristol county, Massachusetts; and both parents, Gideon Hovey and Lydia Manley Willson, in Newfane, Windham county, Vermont.**

**Charles received his literary education at the**



**Springville Academy, Erie county, New York, where he attended three years; at sixteen went to Elyria, Ohio, and read law one year with McAechron and Myers; then, returning to western New York, read two years with Hon. Scott Lord, of Genesco, and was admitted to the bar at Rochester, New York. his parchment being dated the 3rd of September, 1851.**

**Mr. Willson commenced practice at Genesco, in partnership with Hon. William A. Collins, since a judge of the circuit court of Ohio. In the autumn of 1856 Mr. Willson visited Rochester, Minnesota, on a prospecting tour; eighteen months later located here, and for twenty years has been in very active and remunerative practice. At an early day he added real estate to his business — was, in fact, one of the town proprietors of Rochester, — and now has a farm of one hundred and seventy-five acres in the corporation, part of it divided into lots, and fifteen hundred acres one mile from the city limits. While we write (on the 1st of August, 1878,) he has seven reapers running in eight hundred acres of wheat. He has also more than one hundred acres of corn, having one thousand acres in this one farm under improvement. In 1877 he raised fifteen thousand bushels of wheat, which he sold for ninety-eight cents a bushel.**

**Mr. Willson is one of the most energetic, enterprising men in the county, and is doing his full share in developing the agri-cultural wealth of his adopted state. Besides his property already mentioned, he has twenty-five acres where he lives, and is just completing a house which cost more than fifteen thousand dollars. It is a gothic brick structure, with the modern improvements, and is an ornament to the city.**

**He has a law library which cost six thousand dollars, and the office in which it is located is his**

**workshop. The many well-thumbed and profusely marked volumes indicate solid labor. Mr. Willson owes his accumulations to his extensive legal practice. His application and perseverance in whatever he undertakes are untiring.**

**In politics, Mr. Willson was formerly a republican; latterly has been independent, with a leaning to the democratic side. He attends the Calvary Episcopal Church, where his family belong. His wife was Miss Annie Rosebrugh, of Hamilton, province of Ontario; married on the 28th of February, 1862. They have seven children, two boys and five girls.**

**Both parents of Mr. Willson, and his only brother and three sisters, — all the near relatives he ever had, — are living, their residence being in western New York. He himself, though hugging close to fifty, has the unwrinkled rosiness, activity and robustness of middle life.<sup>1</sup>**



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<sup>1</sup> *The United States Biographical Dictionary and Portrait Gallery of Eminent and Self-Made Men. Minnesota Volume 184-187 (1879)*

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**Study of law is the constant habit of every good lawyer. How to study has perplexed many. The general rules of justice are few and simple. A lawyer of broad and cultivated mind seldom fails to recognize them when stated in the abstract. But the task is the correct application of them to the complicated facts in a client's case. To be able to make correct application of general rules to the facts in a client's case is the object of legal study. This application of general rules to the facts in a client's case is the object of legal study. This application of general rules is going on in the courts around us constantly. The reports of the adjudicated cases furnish example. A systematic study and analysis of these adjudicated cases is, it would seem, the best exercise to fit a practicing lawyer to rightly analyze the case of his client and to foresee the probable result. The current reports of the cases in our state courts should have our first attention. One or more of these cases should be studied**

**each day of the year. By early rising, or late sitting at night, this may be done. The study should be: First, to master the facts in the case; second, to ascertain concisely the exact question or questions in controversy between the two parties; third, the grounds on which the decision is rested by the Court; and lastly, to weight and consider the arguments on either side as given by the Court or by the counsel in the case.**

**To further profit by this labor the reader should determine to what particular branch of the law the case belongs, where it would be placed in a digest or cited in a text book. He should then take a copy of the General Statutes and turn to the same subject matter in them and make a concise note stating the result. An interleaved copy of the statutes will supply space for these notes. If this is continued from day to day a practicing lawyer may keep up with the current decisions. The notes will grow, his knowledge of the statutes will grow as well, and in a few years he will practiced in the application of legal rules to new cases, and his copy of the statute will become his index to adjudicated cases. This demands unflinching labor and acute attention. If he lacks resolution to do this or something equivalent, he must be content with subordinate rank in the profession.**

**Often the cause of a client will depend, perhaps indirectly, upon the correct interpretation of some statute which no case in our state reports has elucidated. It will be found useful in such a case to learn, (1st) at what time this statute was first enacted in this state, (2nd) for what source it was borrowed, (3rd) what states have the same or a similar statute, and to look through their reports for the coveted decision. The larger part of our statutes were**

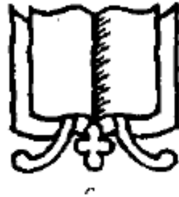
taken from New York or Massachusetts. Emigrants from those states in the first half of the present century settled in Michigan Territory and there re-enacted bodily the code of statutes with which they were familiar. Michigan then included all the Northwest Territory from Detroit to St. Paul. When the eastern portion was admitted as a state January 26, 1837, the body of laws previously enacted remained by Act of Congress the statute law of the new Territory of Wisconsin. 5 U. S. Stat. p. 15, Sec. 12. Wisconsin in turn was admitted a state of the Union May 29, 1848.

Minnesota was created a territory on March 3, 1849, and the laws in force in the Territory of Wisconsin at the date of its admission as a state were, by Act of Congress, continued as the statute law of the new Territory of Minnesota. 9 U. S. Stat., p. 407, Sec. 12. When Minnesota framed its constitution it was provided therein that all laws in force in the territory should remain in force in the state until or repealed by the legislature. Const. Schedule, Sec. 2. The interpretation of these statutes by the courts of Massachusetts and New York prior to their enactment in Michigan and by the courts of the Territories of Michigan and Wisconsin are authoritative expositions in this state, and should be studied and cited as such. Innumerable alterations have since been made and the present text should be compared with the old before relying upon the old decisions. That a slight alteration in the statute may make a great change in the practice is shown in *McKusick v. Seymour, Sabin & Co.*, 48 Minn. Page 168, et seq.

In studying the reports care must be taken to distinguish what is said in the opinion by way of reason or illustration from what is said in decision of the issue. The latter only

**is authority in a subsequent case. The practice of stating tersely the exact matter decided in the case under study will foster brevity and precision in style and help to fix in the mind the point decided. A lawyer of very moderate ability will, if he patiently follows this course, probably become a safe and fairly successful practitioner.**

**CHAS C. WILLSON.**



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