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## The Holy State, the Second Book, Chapter 1, The Good Advocate

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*The following is an excerpt from THE HOLY STATE AND THE PROFANE STATE written by Thomas Fuller in 1642. It seemed to us a thoroughly charming piece of work and amazingly pertinent to "modern" practice. It is herewith offered for your pleasure and instruction.*

## *The Holy State*

### THE SECOND BOOK

#### CHAPTER I

##### *The Good Advocate*

**H**E IS ONE that will not plead that cause, wherein his tongue must be confuted by his conscience. It is the praise of the Spanish soldier, that (whilest all other Nations are mercenary, and for money will serve on any side) he will never fight against his own King: nor will our Advocate against the Sovereigne Truth, plainly appearing to his conscience.

1

*He not onely hears but examines his Client, and pincheth the cause, where he fears it is foundred.* For many Clients in telling their case rather plead then relate it, so that the Advocate hears not the true state of it, till opened by the adverse party. Surely the Lawyer that fills himself with instructions will travell longest in the cause without tiring. Others that are so quick in searching, seldome search to the quick; and those miraculous apprehensions who understand more than all, before the Client hath told half, runne without their errand, and will return without their answer.

2

*If the matter be doubtfull, he will only warrant his own diligence.* Yet some keep an Assurance-office in their chamber, and will warrant any cause brought unto them, as knowing that if they fail they lose nothing but what long since was lost, their credit.

3

*He makes not a Trojan-siege of a suit, but seeks to bring it to a set battel in a speedy triall.* Yet sometimes suits are continued by their difficulty, the potencie and stomach of the parties, without any default

in the Lawyer. Thus have there depended suits in Gloucester-shire, betwixt the Heirs of the Lord Barkley, and Sr. Thomas Talbot Viscount Lisle, ever since the reign of King Edward the fourth untill now lately they were finally compounded.

## 4

*He is faithfull to the side that first retains him.* Not like Demosthenes, who secretly wrote one oration for Phormio, and another in the same matter for Apolidorus his adversary.

## 5

*In pleading he shoots fairly at the head of the cause, and having fastened, no frowns nor favours shall make him let go his hold.* Not snatching aside here and there, to no purpose, speaking little in much, as it was said of Anaximenes, *That he had a flood of words, and a drop of reason.* His boldnesse riseth or falleth as he apprehends the goodnesse or badnesse of his cause.

## 6

*He joyes not to be retain'd in such a suit, where all the right in question, is but a drop blown up with malice to be a bubble.* Wherefore in such triviall matters he perswades his Client to sound a retreat, and make a composition.

## 7

*When his name is up, his industry is not down, thinking to plead not by his study but his credit.* Commonly Physicians like beer are best when they are old, & Lawyers like bread when they are young and new. But our Advocate grows not lazie. And if a leading case be out of the road of his practice, he will take pains to trace it thorow his books, and prick the footsteps thereof wheresoever he finds it.

## 8

*He is more careful to deserve, then greedy to take fees.* He accounts the very pleading of a poore widows honest cause sufficient fees, as conceiving himself then the King of Heavens Advocate, bound *ex officio* to prosecute it. And although some may say that such a Lawyer may even go live in Cornwall, where it is observed that few of that profession hitherto have grown to any great livelihood, yet shall he (besides those two felicities of common Lawyers, that they seldome die either without heirs or making a will) find Gods blessing on his provisions and posterity.