

expresses the condition under which, *prima facie*, unrestricted interchange of admission and discussion should take place from the outset. This does not imply that admissions are in all cases to be volunteered without due consideration of what is the right and proper course in each instance. Frequently the question resolves itself merely into one of saving needless expense in proof. In such cases the admission should of course be made. But when the withholding of an admission is calculated to embarrass an opponent in presenting his case, to a degree which may affect his disposition to present it at all, I am not prepared to say that the duty for which I am contending extends so far. The solicitor who has his client's real interest at heart will always endeavour to keep him from litigation as much as possible. The question which he has to ask himself is, What is the right thing to do under all the circumstances? and the degree of probability of success or failure is only one element among others in the answer to that question. Finally, it may not be out of place to utter a note of warning on the subject of sharp practice. The temptation to this usually proceeds from one of two motives—the instigation of a vindictive client, or the making of costs. I believe that it more frequently proceeds from the former, and comparatively rarely from the latter. It must needs be difficult, especially for the young practitioner, to resist the pressure of a client who represents that the strict letter of his rights is being interfered with on sentimental grounds; nevertheless his true—and even from a purely personal and selfish point of view his best—rule of conduct must first and last be to act as becomes an honorable gentleman and a member of a profession to which he owes an obligation to preserve a stainless name, be the immediate consequences what they may. I shall not assume that it is necessary to say much as to the degrading alternative of a desire to manufacture costs by acts of sharp practice. The penalties are so obvious that they should suffice to check the propensity, even if unrestrained by any better motive. The solicitor who lends himself habitually to sharp practices becomes a byword to those of his brethren whose good

opinion is worth preserving, and they will not scruple to show, when they come into contact with him that they profoundly distrust him. He may even succeed in carrying on a profitable business among the unscrupulous section of the community who must needs have unscrupulous agents, but such a career can hardly be regarded as one calculated to bring much happiness. I am conscious that in these remarks I have said nothing that is new—in fact that I have only been pressing on your consideration what has oftentimes, and will oftentimes again, be much more pointedly expressed by others. But it is surely desirable on all occasions and particularly on such an occasion as the present, to hold up the highest possible standard of professional morality as the worthiest object of ambition for solicitors, both individually and collectively. The solicitor is a gentleman by Act of Parliament. What is it to be a gentleman? Thackeray asked that question once, and answered it himself in terms which might fitly be incorporated as an interpretation clause in the Act of Parliament itself: "It is to have lofty aims; to lead a pure life; to keep your honour virgin; to have the esteem of your fellow citizens; to bear good fortune meekly; to suffer evil with constancy; and through evil or good to maintain truth always."

OBITUARY.

DR. FRANCIS WHARTON, D. D., LL. D., solicitor of the State Department of the United States, died at his residence in Washington on February 21. He was long a sufferer from partial paralysis of the larynx, and recently submitted to tracheotomy, which gave him comparative relief. He continued his work for the department of State and literary labors until the day before his death, and only a few hours before, read proofs of his latest literary work, 'Diplomatic History of the United States in the Revolutionary Period,' of which he had been appointed editor under a resolution of Congress. Dr. Wharton was a descendant of Thomas Wharton, Governor of Pennsylvania in 1735, whose father emigrated from Westmoreland, Eng-