

but for the present purpose, admitting that they are too often resorted to, and that they offer very great temptations to an advocate not already morally and religiously schooled to resist them, it will suffice to indicate their presence. The acts to which we particularly allude are those, which, as we must confess, not altogether without foundation, form the staple of popular declamation against the morality of the Bar:—the browbeating of witnesses with intent to perplex the honest, and not with purpose to confound the perjurer and wring the truth from the liar: [2] the solemn asseveration of belief in the innocence of a prisoner whom the advocate knows to be guilty; the yet more fearful, but, as unhappily shewn by instances, not impossible, wrong of charging the innocent with the crime for the purpose of shifting it from the guilty: [3] the taking advantage of the privilege of his gown to asperse the characters of individuals, though not at issue in the cause.

We are aware that for some of these practices, and especially for the latter of them, high authorities may be adduced. But believing them to be opposed to the dictates of morality and religion: assured, that "to be just and fear not" is every-

[2] By means of the examination of witnesses, when skilfully managed, falsehood is unmasked, truth revealed, and the cause of justice vindicated. The knave, the fool, the daring, the diffident, the cunning, the simple, all in turn present themselves. Now the Lawyer has carefully studied the phases of truth and falsehood, and exerts his power to reveal the one, and unmask the other: his eye is single and his course straight: Truth is his gain, and his heart is in the chase; and in confidence he follows her foot-marks, no matter whither they lead. In the examination of witnesses, the lawyer derives no small aid from the religious sanction of the oath, which the Court administers to the witness: not harshly and carelessly, in the way of astonishment and terror; but meekly, religiously and devoutly reminding him, how by the solemn oath he has taken he has called the searcher of all hearts to witness to the truth of that which he alleges. Not that he dares confide to this, which should of right be an all-sufficient test of truth: his knowledge of mankind teaches him far otherwise. Hence, if he sees a witness attempt to prevaricate or conceal the truth, notwithstanding the solemn oath he has taken to disclose it simply and wholly, he spares no weapon, which the storehouse of his art affords, whereby to overcome the devices of falsehood. Not that he uses these weapons indiscriminately, attempting by artifice to extort that alone which may favor his client, and to draw attention from all else. If he browbeat a witness, it is because he believes him of set purpose to conceal the truth: if he startle him by sudden transitions, it is because he believes him to be moving in the narrow circle of perjury: if he impeach his character, it is because he believes him unworthy of credit.

The Lawyer.

And Mr. Sharswood, in the little work already mentioned, says: "There is no point in which it becomes an Advocate to be more cautious than in his treatment of witnesses. In general fierce assaults upon them, unnecessary trifling with their feelings, rough and uncivil behaviour towards them in cross-examination, whilst it may sometimes exasperate them to such a pitch, that they will perjure themselves in the drunkenness of their passion, still, most generally, tells badly on the jury. They are apt to sympathise with a witness under such circumstances. It is as well unwise, as unprofessional, in counsel to accuse a witness of having sworn himself, unless some good ground, other than the instruction of the client, is present in the evidence to justify it. He may sift most searchingly, and yet with a manner and courtesy which affords no ground for irritation either in witnesses or opponent; and in such a case if his questions produce irritation, it is a circumstance which will weigh in his favor."

[3] Mr. Sharswood enters at some length on this point: he refers (Professional Ethics, page 41) to the celebrated case of Courvoisier, indicted for murder, and gives in an appendix Mr. Phillips' vindication of himself from the charge of having, notwithstanding the prisoner's confession to him of his guilt, endeavored to fasten suspicion on others, and to impress the jury with his personal belief in the innocence of his client. It is too long for a note—we refer to the work itself: indeed, it should be in the hands of every law student. It is published by T. & W. Johnson, Law Booksellers, Philadelphia.

where and at all times a safe rule of conduct,—that *honesty is wisdom as well as virtue*, equally in the profession of an Advocate as in all other pursuits—we are compelled to pronounce these practices incompatible with the character of a Christian Gentleman, and therefore to be contemned and spurned by the Advocate who rightly reads the duties of his office.

There will be no disputing as to the advantages of the character of a Christian Gentleman in the influence it gives him with all whom he has occasion to address, and it would be difficult to overrate the value of that influence. Whatever temporary profit he may sacrifice by the abandonment of the questionable acts above alluded to, he regains fifty fold in the path thus cleared and made straight for him to the ears, and hearts and convictions of Judges, Juries, and audiences. The confidence they all have in his honesty, not merely predisposes them in his favor, but makes them listen, because they know, that what he says he means; induces them to put faith in his assertions, because they are sure he will not deceive them; and inclines them to follow his argument with attention, because they are certain that all is *fairly, candidly, truthfully* conducted. The very appearance of such a man is an advantage to a cause; he imparts something of his own reputation to whatever is associated with him: and when we come to examine the details of practice, and to trace step by step the progress of a cause under his management, it will, yet more plainly appear, how, in every stage of it, the client reaps the benefit of being represented by an Advocate who is a Christian Gentleman.

APPOINTMENTS TO OFFICE, &c.

JUDGE OF SURROGATE COURT.

GEORGE M. BOSWELL, of Colbourn, Esquire, to be Judge of the Surrogate Court of the United Counties of Northumberland and Durham, in place of Thomas Ward, Esquire, resigned.—[Gazetted 26th April, 1855.]

REGISTRAR OF SURROGATE COURT.

GEORGE WILLIAMS, of Chatham, Esquire, to be Registrar of the Surrogate Court of the County of Kent, in place of John B. Williams, Esq., resigned.—[Gazetted 28th April, 1855.]

NOTARIES PUBLIC IN U. C.

WILLIAM PROUDFOOT, of Hamilton, Esquire, Barrister and Attorney-at-Law, and JOHN MLLCHIN, of New Hamburg, Township of Wilmet, Gentleman, to be Notaries Public in U. C.—[Gazetted 29th April, 1855.]

AUGUSTUS G. BOSWELL, of Colbourn, and CALEB P. SIMPSON, of Belleville, Esquires, Barristers-at-Law, to be Notaries Public in U. C.—[Gazetted 6th May, 1855.]

JAMES O'REILLY, of the City of Kingston, Esquire, Barrister and Attorney-at-Law, and VALENTINE PHELAN, of the Town of Woodstock, Esquire, Attorney-at-Law, to be Notaries Public in U. C.—[Gazetted 12th May, 1855.]

CORONERS.

ROBERT J. HINTON, Esquire, to be an Associate Coroner for the County of Carleton.—[Gazetted 21st April, 1855.]

ABEL H. DOWSWELL, Esquire, to be an Associate Coroner for the United Counties of Lanark and Renfrew.—[Gazetted 12th May, 1855.]

CLERKS OF COUNTY AND SURROGATE COURTS.

DUNCAN CAMERON, of Brantford, Esquire, to be Clerk of the County Court of the County of Brant, in place of E. B. Wood, Esq., resigned.—[Gazetted 21st April, 1855.]

ALFRED A. BAKER, of Guelph, Esquire, to be Clerk of the County Court of the County of Wellington, in place of John Smith, Esquire, resigned.—[Gazetted 23rd April, 1855.]