

GENERAL CORRESPONDENCE.

It is easy to imagine many cases where this might take place. Suppose an advocate to be distinguished for his ability, and that he has a bitter personal or political enemy. This enemy has slandered or grossly injured a personal friend, or perhaps a relative, or perhaps a society, who or which may be very dear to the advocate. The enemy of the advocate goes and insists upon retaining (perhaps happens first to retain) the advocate against his feelings—his convictions—to defend him, to sustain him in his defence in such a case. Imagine a gross libel or slander committed, or a case of seduction or *crim. con.* Imagine a brutal assault, or trespass, or fraud. Now, would the advocate not have a right to refuse to be retained against his friend, against his feelings and convictions? Take the case before us, of the murder of McGee. Suppose Sir John A. Macdonald had been out of the Government, a practising barrister, with his known friendship for the deceased,—would it be thought wrong for him to refuse to defend Whelan? Mr. Cameron is at the head of a powerful organization of men called the Orangemen. Whelan was supposed to be a Fenian, and guilty of the greatest crime (if the evidence be true) committed in Canada. Might not Mr. Cameron, taking into consideration his position, have fairly declined a retainer?

I now give a long extract from the very able and eloquent speech of Mr. Cameron on this trial:

"I have never," he said, "in the course of a long and varied experience at the bar, been called on to address a jury in any case in which I felt so much responsibility as the present. It is unquestionable that a great crime has been committed—that a great name has been blotted out from the roll of the distinguished men of the age—that a great man, who had endeavoured by his own example to get his fellow-countrymen to love that country by the institutions of which they had been enabled to acquire everything which, as free men, they can prize—has been struck down by the hand of the assassin, whilst the words of patriotism were on his lips; and the country which has shown its gratitude to his memory has demanded an atonement, and with an almost universal shout has pronounced that his murderer should be tracked and brought to justice. You can judge how far the prisoner has been entirely free from the exercise of this influence which must act in the minds of men. We

all know well that the press from one end of the country to the other has been filled with comments on the course of the trial; and the manner in which, according to the rules of practice, we have been enabled to exclude witnesses from the court has been really of no value, for every day the press has been enabled to lay before the public the evidence of the day before. You will feel, therefore, that I do not speak lightly when I say that we have had to contend in this defence, not merely with the prejudice endeavoured to be got up against the prisoner at the bar, but that our efforts have had to be extended to every act connected with the case. Prisoner's counsel have been interfered with; their lives have actually been threatened for daring to defend him, and everything has been done to prejudice this man in his trial for life and death. Under these circumstances, I cannot help feeling that while a grave responsibility rests on me as a lawyer, a heavier responsibility rests on you than either the advocates or the judge in this case. Gentlemen, it has been well said that it is perfectly impossible for a man to have a fair defence unless his case can be placed before an unprejudiced jury, and it is further impossible for any one to have a free and fair defence, unless those standing in court as his advocates are allowed, fearlessly, to pursue the course which they deem best for him. It would ill become those who are considered the leaders of the bar in this country to fail in doing justice to any man placing himself in their hands. *It would ill become them to do so either through fear or favour, through the allurements or frowns of those in power.* We, as advocates, have duties to perform which we must perform fearlessly; we, as advocates, have to do our duty. I shall read to you words written and spoken by a man great in the English nation—one whose name is known all over the world—I read them to you because I desire it should go forth through the press that it does not lie in our power as advocates to refuse to defend men requiring our services. *No man's case should be prejudiced by a leading counsel refusing to take it up.* What would be the case if when the prisoner asked my services as one of those looked on as the leading counsel in Upper Canada, I had declined? *I should have been not merely a craven in my profession, but should have forgotten my duty to my God.*" (Here the learned counsel quoted from the author in question, who had laid it down that the duty in question was one which should never be given up, was one never to be influenced by public opinion. The advocate should not on these occasions mind being mixed up with the supposed criminal and the crime. He was not to retire one