

PROFESSIONAL ETIQUETTE.

others in the profession of the law, that they should not defend persons whom they thought were guilty, or of whose guilt they had a suspicion—yet he would maintain that the duty of counsel in assisting in the prosecution of fraud was a very different thing indeed, and he would say that lawyers, whoever they might be, who, after demonstrations of the iniquity, the injustice and fraudulent character of a claim, lent themselves still to the prosecution of that claim, made themselves accomplices in the crime which they helped forward."

As the lamented Mark Tapley would have said, this is certainly "coming out remarkably strong," and it was scarcely to be expected that such insinuations would be borne in silence. Accordingly we find that later in the day Mr. Serjeant Ballantine said:

"I was not present when the Attorney-General made the observations which he thought proper to make this morning. Temper may not always be kept under control, and therefore I am not sorry that I was not present then, or I fear I might have made observations, which, not on account of their want of truth, but on account of their want of politeness, I might afterwards have regretted. * * * We were all of us perfectly well acquainted with that letter, and we had a mass of circumstances bearing upon it, and upon the case of Orton, which, when the proper time comes, will be submitted to the jury, and they will form their judgment as to whether it was possible for us to pursue any other course than the one we have adopted. The Attorney-General reminded your Lordship that he was Attorney-General, and no doubt he has been most worthily placed in that high office, but it gives him no right to impugn the honour of other members of the Bar, who have as exalted a view of their honour and character and of the strength of their principles as he can possibly have of his. I do hope, therefore, that your Lordship and the jury will protect us when we are out of court from the needless insinuations and sneers with which the Attorney-General has thought it proper to interlard his observations in the course of the enormously long speech he is delivering."

Mr. Giffard, who, it will be remembered himself came near being made Solicitor-General, was somewhat less temperate in his reply. He said:

"I claim to say a word, and I hope I shall say it temperately. What has fallen from the Attorney-General would produce the impression upon the mind of every one that it was an insinuation against the members of the Bar who were opposed

to him. My learned friend has referred to his character as Attorney-General, but I venture to say that that position, which he occupies by accident, does not make him more than simply a member of the Bar, and I refuse to have my conduct judged by him."

We are sincerely glad, for the credit of the Bar, that the course which Sir John Coleridge chose to adopt, has incurred the almost unanimous disapproval of the profession; and that the foremost legal journals have administered to him a dignified and well-merited rebuke.

The *Law Times* says:

"It may fairly be expected that we should give expression to the general opinion in the profession with reference to the conflict, for such it must be called, between the Attorney-General and the counsel for the Tichborne claimant on Wednesday. The prevalent feeling and opinion is strongly opposed to the course pursued by the Attorney-General. The primary question is, Has any counsel a right to impugn the honour and integrity of counsel opposed to him on grounds such as those advanced by the Attorney-General? The learned gentleman concludes that a certain piece of evidence proves fraud, and that such evidence cannot be rebutted. He concludes further, that this conviction has also been brought home to the minds of his opponents, and he charges, them, as counsel, with being accessories in the fraud, unless they at once throw up their briefs. As interpreter, by his position, of the rules of etiquette governing the bar, Sir John Coleridge would undoubtedly be justified in expressing this view if his opinion were taken upon the point. But immediately that he constitutes himself the *censor morum* in a yet undecided cause, in which he is acting not as Attorney General, but simply as an advocate, and condemns his opponents as accessories in a fraud, unless they pursue a certain course, he frames a dangerous precedent—a precedent calculated to promote indecent displays of temper in our courts of law to the confusion of suitors and the detriment of the profession. We are not at all sure that he is right in drawing a distinction between the duties of counsel in defending a man whom he knows to be guilty, and in upholding a suit which, in his own mind, he believes to be dishonest. But to add that counsel in the latter case is to usurp the functions of the jury, and anticipate their verdict by throwing up the case, and that if he fails in this, he is a participator in the villany of his client, is to propound a principle most difficult of application, and which, if accepted, might lead to disastrous consequences.