

LAW STUDENTS' DEPARTMENT.

character of its professors. Listen to the saying of wise, just and disinterested critics on this subject :

"I asked Dr. Johnson," says Boswell, "whether, as a moralist, he did not think the practice of the law, in some degree, hurt the nice feeling of honesty." Johnson : "Why, no, sir, if you act properly. You are not to deceive your clients with false representations of your opinion ; you are not to tell lies to a judge." Boswell : "But what do you think of supporting a cause which you know to be bad ?" Johnson : "Sir, you do not know it to be good or bad till the judge determines." (And let me pause here to ask how many times, in your experience, the cause which you thought to be good turns out to be adjudged bad, and more rarely the cause which you were inclined to believe to be bad in law turned out to be good ?) But to return to Dr. Johnson "I have said," he continues, "you are to state facts fairly, so that your thinking or what you call knowing a cause to be bad, must be from reasoning, must be from supposing your argument to be weak and inconclusive. But, sir, that is not enough. An argument which does not convince yourself may convince the judge to whom you urge it, and if it does convince him, why, then, sir, you are wrong and he is right. It is his business to judge, and you are not to be confident, in your own opinion, that a cause is bad, but to say all you can fairly for your client and then hear the judge's opinion."

If the doctor here appears to reason a little too narrowly and subtly, let us turn to a mind of wider, and perhaps, more equitable vision—to Coleridge :—"An advocate as a right," he says, "it is his bounden duty to do every thing which his client might honestly do, and to do it with all the effect which any exercise or skill, talent or knowledge of his own may be able to produce. But the advocate has no right, nor is it his duty, to do that for his client which his client, *in foro conscientie*, has no right to do for himself, as for a gross example, to put in evidence a forged deed or will, knowing it to be so forged." * * * "It is of the utmost importance," he says again, "in the administration of justice, that knowledge and intellectual power should be, as far as possible, equalized between the crown and the prisoner or plaintiff and defendant. Hence, especially arises the necessity for an order of advocates—men whose duty it ought to be to know what the law allows and disallows, but whose interest should be wholly indifferent as to the persons or character of their clients. If a certain latitude in examining witnesses is, as experience seems to have shown, a necessary means towards the evisceration of the truth

of matters of fact, I have no doubt, as a moralist, in saying that such latitude, within the bounds now existing, is justifiable."

So much for the opinions of these great men upon the duties of the lawyer and their moral tendencies.

That there is nothing in the proper exercise of our profession that at all conflicts with the most rigid and exact requirements of the moral code, we all feel certain. However keen our abilities, however persuasive our rhetoric, however profound our knowledge, keeping within the bounds of professional ethics, we may boldly, unhesitatingly, and with a clear conscience, exercise them all to their full extent. No client buys, or should ever be able to buy from his counsel, his conscience, his sense of honour, or his manly character. He has a right to the exercise of all his knowledge and all his faculties as his representative in the court. He has a right to his most strenuous efforts to place before the court or the jury, as the case may be, all the facts, all the arguments, and all the favorable aspects of his case which can be reasonably presented. More than that he cannot ask ; more than that no honorable counsel will ever give.

Let me say, in conclusion, to me, it seems, that to be conversant with the laws and to be engaged in interpreting them and applying them to the exigencies of human affairs, is not only morally, a permissible career, but perhaps the highest, the noblest secular pursuit in which man can be employed. So far from tending to deteriorate the moral tone, it intensifies every feeling for, and renders acute every sense of righteousness, of equity and of uprightness.

The laws, after all, but attempt to bring to the government of human affairs those eternal rules of action which are among the loftiest conceptions of the human mind. They are all but imperfect translations of that law of nature which Cicero himself, the greatest of advocates, in a fragment preserved to us by Lactantius, so nobly describes. "Law," he says, "is no other than right reason agreeing with nature spread abroad among all men, ever consistent with itself, eternal, whose office is to summon to duty by its commands, to deter from wrong by its prohibitions. In contradiction to this law nothing can be laid down, nor does it admit of partial or entire repeal ; nor can we be released from this law, either by vote of the Senate or decree of the people, nor will there be one law at Athens and another at Rome, one now and another hereafter ; but ONE ETERNAL, IMMUTABLE LAW WILL EMBRACE ALL NATIONS AND EXIST IN ALL TIMES."—*Albany Law Journal*.