

THE MORALITY OF THE ADVOCATE.

Some discussion in the public press has followed the publication of Mr. Purcell's *Reminiscences*, which we noted last week. Mr. Purcell has frankly confessed that he did his best to win his cases by every honest means which legal etiquette permits to the advocate, and that in many cases he succeeded in securing a favourable verdict for accused persons of whose guilt he himself felt little doubt; although, at the same time, he mentions the fact, also recorded by Serjeant Ballantine as his experience of prisoners, that not one of his clients has ever admitted to him that he was guilty. Naturally to the lay critic this suggests the old accusation, against advocates, that they help to pervert justice by securing the escape of the guilty or the punishment of the innocent. We do not think that the latter often happens nowadays. The tradition that prosecuting counsel should act fairly, recently endorsed emphatically by the Court of Criminal Appeal, is a strong one at the English Bar, and offences against it are rare. We cannot say that no breach of this honourable tradition ever occurs, for now and then—usually in a private prosecution—a zealous counsel, too eager for triumph, allows himself to ride for a verdict of guilty. But such cases are rare and are universally condemned by the public opinion of the Bar. They could probably be eliminated altogether if private prosecutions were abolished, as is practically the case in Scotland, and if the practice of granting out Treasury briefs on circuit to counsel whose qualifications are derived from political work rather than the extent of their legal practice was finally abandoned. But the case of defences is different. Here an advocate always will do his best to win the case for his client by every proper means, and it would be prudery to deny that in practice the normal advocate does so. If he did not, clients—whether innocent or guilty—would seek a less pedantic and more enthusiastic advocate.—*Solicitors' Journal*.

CHANGES IN THE MODE OF CONDUCTING CRIMINAL TRIALS.

Englishmen read with pleasure the unstinted praise which Americans bestow on the conduct of criminal trials in this country. This praise is particularly directed to the large powers exercised by the presiding Judge and to the confidence of the Bar that these powers will be exercised with fairness and impartiality. But if we are to accept the statement of the late Mr. E. D. Purcell, in his recently published work, "Forty Years at the Criminal Bar,"