

plead, the course of justice would be interrupted by prejudice to the suitor and the exclusion of integrity from the profession."

Erskine took the same view. In his speech in defence of Tom Paine he said: "If the advocate refuses to defend from what he may think of the charge or the defence he assumes the character of the Judge: nay, he assumes it before the hour of judgment; and in proportion to his rank and reputation puts the heavy influence of perhaps a mistaken opinion into the scale against the accused in whose favor the benevolent principle of English Law makes all presumptions and which commands the very Judge to be his counsel."

The subject was much discussed because Sir Edward Carson and the present Lord Chancellor, then F. E. Smith, K.C., accepted briefs from the present Lord Chief Justice in his libel action arising out of the Marconi affair in 1912, and both justified themselves on this principle.

So far as I am aware the rule does not apply to a solicitor, so that a solicitor has always the right to decline employment. The reason why the same right is denied to the barrister, in those jurisdictions where it is denied, is that he receives his brief from a solicitor who has presumably satisfied himself that the action is a just one and to refuse to accept it would be to reflect on him. That reason does not apply where, as with us, the barrister in his capacity as solicitor takes instructions from the client in the first place.

(5) "No client is entitled to receive, nor should any lawyer render, any service or advice involving disloyalty to the State, or disrespect for the judicial office, or the corruption of any person or persons exercising a public or private trust, or deception or betrayal of the public."

(6) "Every lawyer should bear in mind that the oath of office taken on his admission to the Bar is not a mere form but is a solemn undertaking and on his part should be strictly observed."

(7) "He should ^{also} bear in mind that he can only maintain the high traditions of his profession by being in fact as well as in name a gentleman."

I shall conclude with a passage from an Assize sermon by the eloquent Sydney Smith:

"In all the civil difficulties of life men depend upon your exercised faculties and your spotless integrity and they require of you an elevation above all that is mean and a spirit which will never yield when it ought not to yield. As long as your profession retains its character for learning, the right will be defended; as long as it preserves itself pure and incorruptible, on other occasions not connected with your profession, those talents will never be used to the public injury, which were intended and nurtured for the public good."