

must not in the interest of his client violate the law. Neither should he allow himself to be used as an instrument of oppression or wrong. In the language of Lord Cockburn already quoted the arms which he wields are to be "the arms of the warrior and not of the assassin."

It will sometimes happen that after a lawyer has accepted in good faith a retainer in a civil cause he has become convinced that it is dishonest and unjust. His duty under such circumstances is well stated in an article in Volume 20 of *The Green Bag*, 62, by Mr. Geo. P. Costigan: "Whenever," he says, "the circumstances of a civil case make it clear that a man of honor and conscience cannot longer be a party to its prosecution or defence without dishonor and moral degradation, it is of course his duty, paid legal advocate though he may be, to abandon the case in the popular meaning of the word by withdrawing from it and letting the client find, if he can, another lawyer to take the withdrawer's place."

An interesting question of legal ethics was projected into the famous *Tichbourne Ejectment* action by Sir John Coleridge, then Attorney General, who led for the defence, in which Sir John got rather the worst of it. He seems to have become so obsessed with the dishonesty and iniquity of the claimant's pretensions that he could not understand how any person else could entertain other views, and at one stage of the trial he charged counsel for the claimant, Serjeant Ballantyne and Mr. Gifford, the present Lord Halsbury, with having made themselves accomplices in their client's crime, because they did not withdraw. Both defence counsel made spirited rejoinders and refused to be lectured on their duty by the Attorney General. The conflict between these eminent counsel was much discussed in legal periodicals, amongst them 8 C.L.J. N.S. 61, and the *Law Times*, in both of which Sir John's attitude was severely condemned, as it appears to have been by the entire legal profession. The view expressed was that counsel for the claimant were not bound to usurp the functions of the jury and anticipate their verdict by throwing up the case under penalty of becoming participators in his villiany if he should fail. The *Canada Law Journal* concludes its article by saying, "We trust this most unpleasant episode may after all be productive of good results in establishing the rule that no counsel, however high his position or how strong his convictions of the justice of his cause may arrogate the right to impugn the motives or question the integrity of even the humblest of his professional brethren."

Lord Campbell in his *Lives of the Chief Justices*, relates of the great and good Sir Matthew Hale, that "he began with the specious but impracticable rule of never pleading except on the right side which," Lord Campbell says, "would make the counsel decide without knowing either facts or law and would put an end to the administration of justice," but that Sir Matthew afterwards abated much of the scrupulosity he had about causes which appeared at first view unjust.