

LAW STUDENTS' DEPARTMENT.

cannot dispense with them. So with engineers, schoolmasters, bakers, carpenters, possibly priests, but by no means lawyers. In society, constituted as it should be, and certainly will be in the future, say they, justice and the protection of laws will be free. Magistrates will sit learned in the law, wise and just, to whom there shall be free access to all. They will decide all controversies; the parties will themselves come before them and submit their cases; they will examine witnesses, and if necessary, will send officers to bring such witnesses before them, and the allegations of the parties having been heard, the witnesses examined, the law considered, a just and unbought judgment will be pronounced, and the citizen will have it as a right as he has all other blessings of government. When society shall be reorganized, it will be thought monstrous that there ever was interposed between the citizen and a magistrate, a class who must be paid before a man can have justice, through whom it is necessary to approach the judgment seat, and whose vocation it is to live upon the differences and strifes of their fellow-men. It will be thought that society fails of its purpose, if a citizen who had sold his property and is cheated of the price, or who has been assaulted or personally injured, or who has suffered any of the many wrongs to which he may be liable from the fault or faithlessness to obligation of others, cannot demand and obtain from the authorities redress from wrongs and justice for his cause, unless he stands ready to pay a class for presenting his case, and incurs the danger of reimbursing his opponent the money he also has been obliged to pay out to the same class.

To all this the answer is, that the function of the lawyer is really, as it has been found to be in all ages and in almost all civilized societies, a necessary function for the carrying on of social life among men. That function is two-fold. One branch of it is to acquire a knowledge of the laws and to impart that knowledge to the client, sometimes advising him beforehand with reference to a transaction, and sometimes, after the event, advising him as to his rights and remedies and his means of enforcing them. This branch is that of the counsel. Another branch is to present his client's claim for redress to the magistrate, or to resist an unjust claim presented against that client, in either case to bring out the facts before such magistrate, by the close and skilful examination and cross-examination of witnesses; to call the attention of the court to the law applicable to them, and to look to it that the client, whom he represents in his legal controversy with another, shall suffer no wrong—and in saying

"suffer no wrong," I mean legal wrong—a violation of the law in his person—not what this one or that one shall think a wrong, but what the laws have declared to be wrong. This branch is that of the advocate. The performance of these functions are necessary to the smooth working of every civilized community. They cannot be exercised but by a trained and skilful class. If, as Burke has said, the ultimate aim of the whole machinery of government—kings, lords and commons—is to get into the jury box twelve honest, impartial jurors to decide upon the rights of a citizen, the accomplishment of that aim would be useless, unless when collected there, the facts and law of the case could be presented fully and completely. To do this the legal profession is a necessary instrument.

Laymen sometimes speak and think as if every case presented a clear issue of right and wrong which could be easily discovered by the mere statement of the parties. But in a civilized community the question of rights of property and person, which actually arise, are infinitely various, and frequently present complex aspects in which the morally right and the morally wrong cannot be discovered. The point to be decided is sometimes, whether, where a loss is inevitable, which of two innocent parties is to be the loser; sometimes whether the terms of a contract, that of an underwriter for instance, throw a burden upon a party, as to which he has no moral obligation whatever; sometimes a question of the descent of property; of liability for the acts of others and a thousand other difficulties *which are not invented by lawyers*, but which inevitably arise in complex relations and dealings of civilized peoples, and which must be disposed of and decided one way or the other. To the disentanglement of these matters, to the presentation of the many considerations and principles which should apply to their decision, the assistance of a trained class is absolutely necessary. The attempt to dispense entirely with it has, in some Mahometan countries, converted the administration of justice into an arbitrary chaos of iniquity, confusion and corruption.

Such a class is obviously the most important and most influential that can exist in a community. It should be skilled and cultured. It should be upright and inflexible, free from all taint of trickery or knavery, pure and blameless in its dealings with men, spotless in its conduct as the robe of Justice herself whose ministers it is.

Neither do I believe, notwithstanding what is sometimes claimed, is there anything in the proper exercise of its duties, having the slightest tendency to crook the moral rectitude or undermine the manly