

LAW STUDENTS' DEPARTMENT.

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The following is an address of the President of the New York State Bar Association, delivered before that body last November. It will be of interest, especially to students about to enter on the active practice of their profession.

POSITION OF THE LAWYER IN MODERN SOCIETY.

Before I conclude this address, however, I cannot refrain from making one or two remarks upon the position of the lawyer in our modern society. That he is at least a necessary evil in all civilization, would seem to be proved by his presence in some garb in all civilized communities, in all ages, from the earliest time to the present hour. In the dawn of nations he generally is found combining the attributes of priest with those of lawyer, the laws being supposed to be the gifts of the gods to men, and to be known by, as especially communicated to, their ministers. The lawyers were, among the early Hindoos and Egyptians, a privileged class or caste having alone and preserving jealously and secretly the knowledge of the laws. They were thus regarded with almost superstitious veneration as, to this day, they are still regarded among the Hindoos, where so many features of man's early institutions, as they existed in the world's infancy are, wonderfully preserved, like fossils of a former geological era.

Yet it must be confessed that, in modern times, there has been strongly impressed upon the world's imagination a dark view of the lawyer and his pursuits. Rabelais, Ben Jonson, Beaumont and Fletcher, and many other writers, all have found an appreciative audience for their satires and flings against the legal profession. Hear Ben Jonson describe us in the age of Shakespeare :

I oft have heard him say, how he admired
Men of your large profession, that could speak
To every cause, and things mere contraries,
Till they were hoarse again, yet all be law ;
That, with most quick agility, could turn
And return ; make knots and undoe them ;
Give forked counsel : take provoking gold
On either hand, and put it up : these men
He knew would thrive with their humility
And (for his part) he thought he would be blest
To have his heir of such a suffering spirit
So wise, so grave, of so perplexed a tongue
And loud withal, that would not wag nor scarce
Lie still without a fee : when every wor
Your worship but lets fall is a zecchin.

The picture which Rabelais gives of the

"furred cats," as he called the advocates of his time, is absolutely ferocious in its bitterness.

Turning to the contemporary dramatists, Boucicault and others, we find the advocate generally handsomely used, but the attorney most outrageously maltreated and abused. Indeed, it is difficult to imagine any thing more revolting than the figure usually cut by a stage attorney. He is depicted as meanness itself—vulgar, impudent, prying, without modesty or veracity, to whom honour is nothing but a word, offering his person to be kicked and himself to be reviled, if, by that means, any money can be made. I do not know how it may be with others, but when this libel on us appears on the stage, I can hardly keep my countenance. It is needless to say that, whatever else may be true of us, these disgusting pictures are not even good caricatures. They have not the merit of suggesting the reality. It is difficult to conjecture how they could have originated, or what circumstances retain them in dramatical composition, for they have not the most remote resemblance, even in caricature, to the real average attorney, either English or American.

Nevertheless, the fact we cannot disguise, that these delineations are received with some favour in the community, and do not seem to inspire much aversion by their improbability. Indeed, any slighting allusion to the profession in public utterances of any kind, jokes upon their assumed indifference to truth, and upon their alleged unprincipled adroitness, seem sure to raise a malicious laugh among the vulgar. As to the cause of this, so far as it exceeds the usual appetite for satire upon all established institutions, I have, I confess, always been somewhat puzzled.

But putting aside all satires, jokes, calumnies and denigrations and looking at the lawyer, as he should be, learned in the law, skillful in debate, yet upright and honourable, the question will, nevertheless, sometimes recur :

Is, after all, our art a useful art, in the best sense of the term, or are we, by our very constitution, an anomaly and a needless incumbrance in society? Can we, when challenged, give a good reason for our existence in the world as it now is ; much more, can we vindicate the propriety of our existence in the world, organized as it should be? There are those who will answer all these questions decidedly, nay violently, in the negative. Sociologists, economists, constitution mongers, communists, there are, who deny the necessity or propriety, in human society, of any lawyers at all. Surgeons and doctors, according to them, we must always have. Men