

lawyer may undertake with propriety the defence of a person accused of crime, although he knows or believes him guilty, and having undertaken it he is bound by all fair and honourable means to present such defences as the law of the land permits, to the end that no person may be deprived of life or liberty but by due process of law." That is to say, if a perfectly sane man confesses to his lawyer that he committed the act for which he is prosecuted, and the evidence adduced against him leaves not a glimmering of doubt in the lawyer's mind that the confession is true, it is the lawyer's duty "by all fair and honourable means to present such defences as the law of the land permits." No "defences" within any just meaning of that term can be presented other than (1) that the act charged is not a crime, or (2) that the accused did not commit the act, or was irresponsible. It is conceded that the first defence is not available, for by the terms of the canon the lawyer *knows* that his client is *guilty*; or if there be a doubt in point of law it may readily be admitted that the lawyer need not and should not hesitate to argue the point. As to the second defence—*i.e.*, the question of fact—the lawyer knows that it is false. Nevertheless, "by all fair and honourable means"—for example, by argument to the court against the admissibility of evidence—he may properly be instrumental in preventing the jury from hearing evidence which might convince them of the fact of guilt. But how about his argument to the jury on the evidence before them? If a felon were fleeing from officers of the law in hot pursuit of him, and a railroad station agent or conductor of a train, knowing him to be guilty and attempting to avoid immediate arrest, should sell him a ticket or provide him with free transportation and thus enable him to escape, is it not clear that the agent or conductor would be punishable as an accessory after the fact? This offence is committed by any one who knowingly "assists the felon to elude justice." *Reg. v. Hansill*, 3 Cox C.C. 597, per Erle, J. Does not a lawyer "assist" his known-to-be-guilty client "to elude justice" by successfully employing his talents to persuade jurors that a verdict of guilty will shew that their