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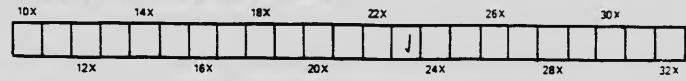
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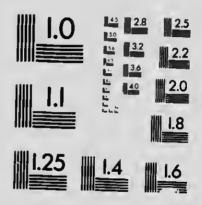
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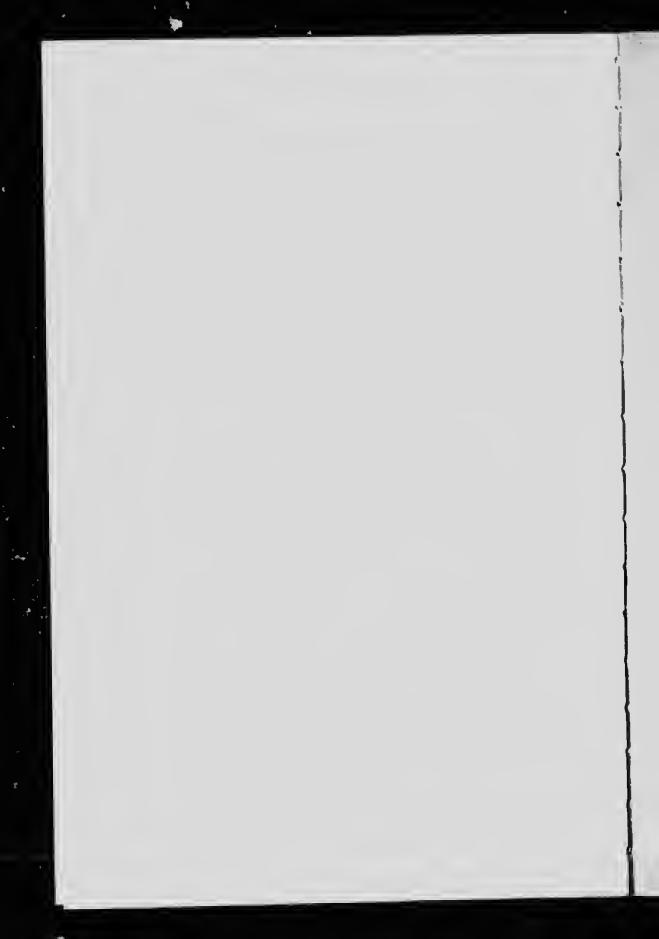




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The Han, Mr. JUSTICE WILLIAM RENWICK RIDDELL

of TORONTO (Kings Bench Div'n, H. C. J., Ont.)

In Response to the Toast at the

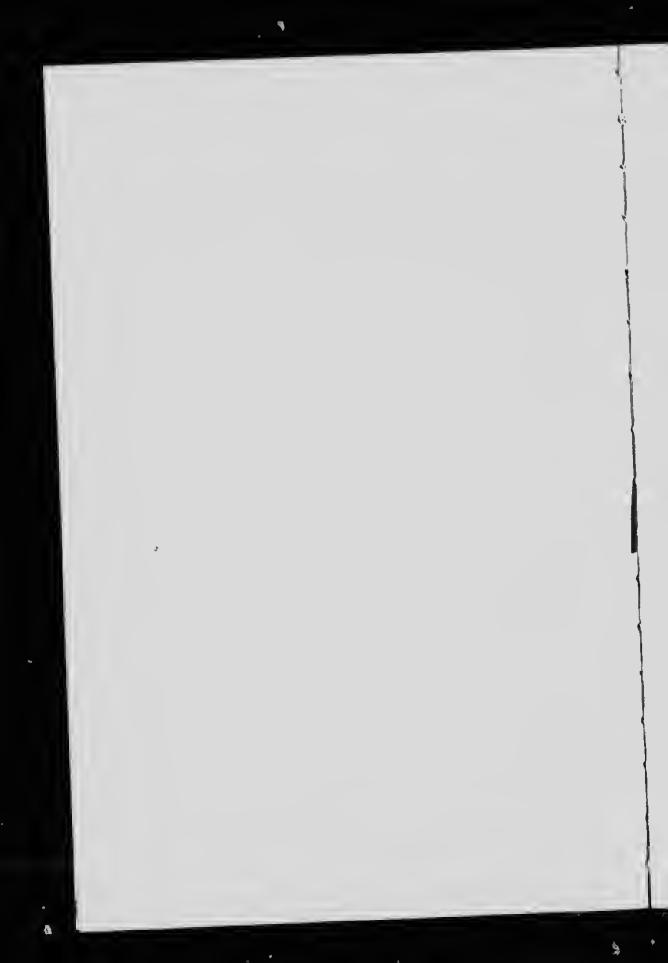
ANNUAL DINNER

OF THE

New York State Bar Association

SYRACUSE, N. Y., JANUARY 19, 20, 1911





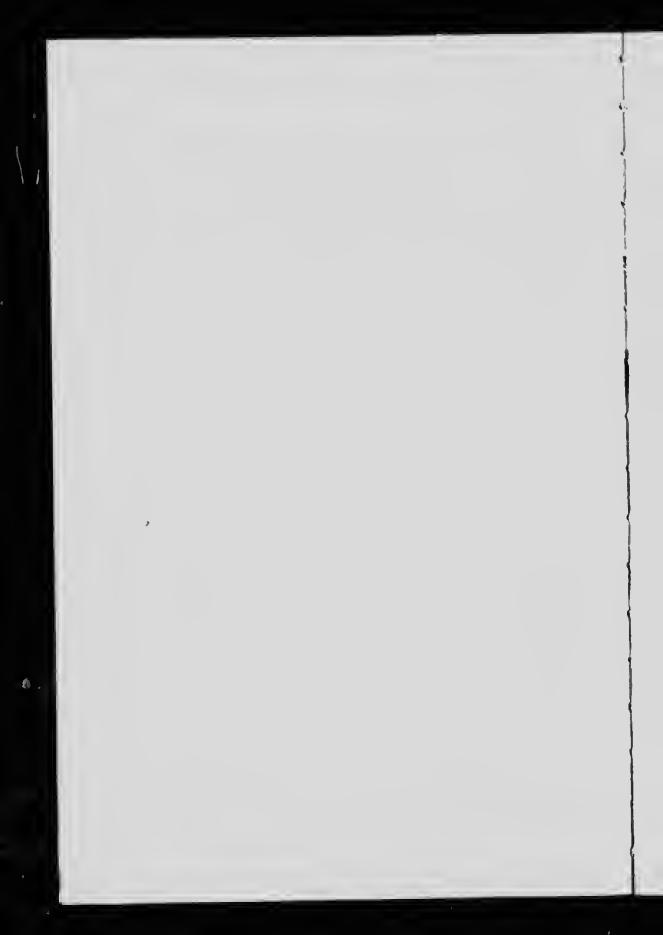
With the Compliments of

Hon. WILLIAM RENWICK RIDDELL, B. A., LL. D.

OF THE

New York State Bar Association

SYRACUSE, N. Y., JANUARY 19, 20, 1911



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Mr. Chairman, bathers and Brethren upon the Bench, ad my brethren of the Law Society of the State of New York — and you, ye goddesses (applause), who deign to glorify our masculine revels with the charm of beautiful and gracious womanhood,—

I venture to hope that the e is something in a seat moon the Bench which is conducive . growth in grace and virtue. For at the last Bar Dinner which I had the pleasure of attending I heard the learned Chief Justice of Ontario say that when he received an invitation to that dinner, he hesitated for some time whether he ought not rather to stay at home and write a judgment — or part of one — and that it was only after a struggle that he made up his mind to come out and "have a night with the boys," I use the learned Chief Justice's own terminology; and I daresay the members of this Bar Association will entirely appreciate what My Now, so far as I am concerned, when I Lord mea received to invitation to attend this Bar dinner, I call your Secretary, Mr. Wadhams, to bear witness, that by the very next mail he received a letter saying that wild horses would not keep me away (laughter) - I was absolutely unable to observe the shadow of a shade of anything remotely resembling even the embryo of a struggle when I received an invitation to have a dinner with the boys. (Applause.) I venture to hope that it is only the learned Chief Justice's longer years upon the Bench which enables him to rise to that height of virtue, and it was only my comparative vonth upon the Bench which caused me to choose the primrose path and insist on being present once more with you. (Applause.) If not, I am

indeed in a parlous state. You all know the story of St. Augustine, doubtless — my friend, Mr. Kelly, who is more of a Patristic scholar than 1, will correct me if I am wrong — but my recollection is that in his unregenerate days he was wont to pray, "O Lord, make me a better man, but not yet for a while." (Laughter.) Or perhaps I might quote your own Abraham Lincoln — for it is said in the only lapse into poetry of which he was ever guilty, he produced this beautiful couplet:

"It is Abraham Lincoln holds this pen, He will be good but God knows when."

There is something, as the learned Chief Justice who spoke before me has said, of solidarity among lawyers which causes them to draw together, to associate one with the other --- and you notice, I trust, that I still arrogate to myself the title of lawyer, although I know it would be very hard indeed to convince the members of my own Bar of the fact that I am still a lawyer. (Laughter.) Now, do not misunderstand me. I do not mean the whole Bar; because I know very well that whenever a judgment appears subscribed "William Renwick Riddell, J."you know that we Judges in Ontario do not hesitate to call ourselves J .- although I believe my brethren on the Bench of the State of New York rather apply that title to their colleagues (laughter) - however that may be, whenever a judgment appears subscribed in the manner I have mentioned, I know there is at least one and sometimes more members of the Bar of the Province of Ontario who are struck with the legal acumen I display, the knowledge of law, the ability to appreciate, to understand and to apply a really sound legal argument. I admit that there is an equal number, perhaps more, who shake their heads in sorrow that a man like that should have received His Majesty's patent, a man who doesn't know law when he sees it, and either can't or won't learn. Of course, you all know the alternatives a lawyer has when he has been "turned down"—I think that is the correct expression—when a lawyer has been "turned down" he has at least two alternatives, one of these is to appeal, the other is to go across to the tavern and take one or more drinks and damn the Judge. (Applause.) I think it was Congreve, the English poet, who said, "Hell hath no fury like to lawyers corned." (Laughter.) If that was ever true, its truth has not become less or stale by the lapse of time.

You will grant me, at least provisionally, the title of lawyer and let me proceed with my investigation.

We lawyers are members of a liberal and a learned profession. We are not mere handicraftsmen, base mechanicals - no doubt my friend, the Chancellor of the University, who is here, will expect me to use the Greek term, Banausoi, cheirotechnai - we are not mere bread and butter workers. Now, it is true that our profession does furnish us bread and butter, sometimes very little more; but while we do work for money, which is, indeed, sometimes cast up against us as a reproach, as a sin perhaps, certainly a weakness, I have not found anybody yet who does work, that does not work for money. Not very long ago I had the pleasure of addressing an audience of medical men - and, really. I want to tell you, to make the confession here, that you will find medical men fairly intelligent once you understand their terminology. (Laughter.) I was speaking to them about this very thing; and I ventured to say that the farmer is not wholly altruistic the farmer does not till his soil simply for the benefit of the State. The shopkeeper would close his shop very quickly if his bills were not paid. Our friends on the Press have been known on occasion to bill their services at say thirty-five cents a line; and the daughter of the clergyman who had received a call to another city at a larger salary, when asked whether her father was going to accept, said, "Well, father is in the library praying for guidance, but mother has started packing up." (Laughter.) And we are told about that "chieftain to the highlands bound" who cried:

"Boatman, do not tarry,
I will give you a silver pound
To row me o'er the ferry."

Then up and "spoke that Highland wight,
'I'll go, my chief, I'm ready,
It is not for your silver bright,
But for your winsome lady.'"

The poet being a Scotsman, and therefore truthful, does not tell you, does not deny that before the boat left the dock that silver pound was safely ensconced in the sailor's sporran. At all events, if the Highlandman did omit that trifling formality, he was quite different from his fellow countryman who was spoken of by "Punch" the other day. He was ferrying a number of passengers across the strait and a storm sprang up, and he said, "There is nae saying what may happen, sae Aw'll just tak' your fares noo." (Laughter.)

Now, it is true that we work for money, but that is the very least of our objects. Members of a liberal and a learned profession, our object and our desire is the search for truth of law and of fact — the vindication of the rights of the oppressed and the innocent, the punishment of the oppressor and the criminal, the advancement of what is just and right. The lawyer, too, when he accepts his client's retainer, forgets everything, except the laws of honor, which may conflict with his client's interest. The

weapon which he carries is the sword of the warrior and not the dagger of the assassin. (Applause.) But he must wield that sword in every manner in which an honorable warrior may or can. He is recruited not for sixty days, but is enlisted for the war. And is it not that very thing, that laboring and toiling for others while at the same time we labor and toil for ourselves, (-- and is it not part of the general fitness of things that the more one labors and succeeds for his clients the more he labors and succeeds for himself?) - and is it, I say, not that very thing, that constant toil and that work and care for another which makes the lawyer the natural born leader of men? For it is common knowledge that that cause (speaking secularly), that cause is foredoomed to failure which is not headed by a lawyer. I noticed that a couple of months ago you selected as the executive head of your State a manufacturer instead of a lawyer; but I also noticed that as soon as he was sworn in, he immediately selected a private counsel - I take it to keep him straight. (Laughter.) It may be that that manufacturer will be equally effective — as effective as the lawyer almost certainly would have been. Now, it ill becomes an outsider, even although he is not an alien or a foreigner - and last year those of you who heard me, heard me repudiate the idea that I, a Canadian, speaking English, and under Euglish law, was a foreigner or an alien in a country in which you speak English and in which the jurisprudence is based upon the English common law. (Applause.) If last year I was not an alien or a foreigner when I met you for the first time, how much less this time, when I am one of you? (Applause.) And I would say also that I am "one of the boys." It would ill become me, however, being an outsider at least, to trespass upon your domestic affairs, rush in like a fool where angels might fear to tread. Anyone who was tempted to do anything of the kind might

remember the story of little Robbie, ten years old, who was playing down at the corner of the street with the neighbor boys. His mother heard him saving something, and she said, "Robert, I never expected to hear you swear." "Why," he says, "mother, I wasn't swearing, I wasn't swearing at all, all I said was 'the devil'; and that isn't swearing." "Well," she says, "Robert, it may not be swearing, my boy, but it is certainly making light of sacred things." (Laughter.) I have some fear lest I might be thought to be making light of sacred things if I ventured to suggest that some at least of the votes which were switched — have I the correct terminology? Andrews, "Yes.")—some of the votes which were switched to the manufacturer from the lawyer may have been inclined that way by reason of the fact that a not unknown supporter of the lawver ventured to speak in language hitherto unknown to the ears of the people of this State, of the members of a dignified tribunal, of a tribunal which is known and admired and revered wherever the English language is spoken. (Applause.) beyond; for wherever law, the invention and gift of the gods, is revered as a science or respected as an art, the name of the Supreme Court of the United States is at the very apex of reverence. (Applause.)

The lawyer has ever been in the forefront of the fight for freedom, whether in France, or in England or the United States. We boast of freedom, you and I, and we say

"We must be free or die who speak the tongue That Shakspere spake, the faith and morals hold That Milton held. Everything we are sprung Of earth's first blood, have titles manifold;"

but that freedom which we enjoy is freedom under the law, and the law is in a large measure the work of lawyers —

when man first made his appearance in history, whether by evolution upwards, or devolution downwards — that I leave theologians and scientists to determine — he was little removed from the brute. As he developed and showed himself to be a social animal it was necessary that some rule should be laid down for his government. Obedience to that rule was right, disobedience was wrong, a sin. But two courses could be followed when one's rights were invaded. Either he might vindicate his rights by his own strong right arm, if he could — apply

The good old rule * * * *

* * * the simple plan

That they should take who have the power

And they should keep who can,

That is the state of anarchy, the state that is mentioned in the good old book, "In those days there was no king in Israel, but every man did that which was right in his own eyes." The other course was the submission of rights and wrongs to the arbitrament of a tribunal; and that tribunal, call it by what name you will, is a Court: and as Courts advanced and club law went down, so civilization advanced. And these reacted on each other because as civilization advanced so club law went down and Courts went up and Courts became stronger and stronger and stronger. The Court Baron gar way to the Royal Court, the Royal Court at Westminste the power of the Baron eeased and the power of the Juage in the Court became greater; and a great operating cause in the elevation of the Court was the formation of a strong and independent Bar. Because history is the same wherever we look. When one speaks of Athens one remembers that Athens had probably the strongest Bar which ever existed.

In ancient Rome the jurisconsult was the man who made the law, and the Judge was but the temporary accident of the times. So in England from the time of the early Plantagenets a strong Bar began to be formed. That Bar gathered around the King's Court; and again action and reaction took place. The stronger the Bar the stronger the Bench, the greater the Bench necessarily the stronger the Bar.

And as time went on, then this nation came to be formed. The people of this nation drew, as they believed, the true principles of government from the English Constitution and from the Constitutions of other countries. ancient and modern, according as they believed these contained and set out the rules desired. They believed that they introduced the true methods of government, the true principles of legislation, of government, into the immortal Constitution of the United States; and in fact for the first time in the history of any nation and the only time in history so far of any nation, all the powers of the people, all the powers of the Legislature, all the powers of the Executive were submitted to the power of the Court; and that is one of the greatest glories even of this great and glorious nation. (Applause.) In Canada as in England we have no such constitutional limitations; but in Canada as in England and in every free country, the freedom we enjoy is freedom under the law, and what protects us is the power and strength of the Courts: and the Courts remain strong and powerful because they are backed by an independent, learned and able Bar. Thus, as time has gone by, as I have said, so the Courts have become more and more powerful.

You all know the story of the Boston streets. How some three centuries ago a calf walked through the pri-

meyal wood, and wandering home, as good calves should, left behind a trail askew, a winding path, as all calves do, and then the next day a dog came along and he saw this trail ready made through the primeval wood and he followed the trail, and the next day came a bell wether with his flock following and they, of course, followed, and the cows and cattle and the horses came along, and the men walking saw the track ready made. and they followed the track. Then, when it came to make an ox-cart road, it made not much difference in a primeval wood like that where they chopped down the trees, and they chopped down the trees along that old calf's path, the calf by this time having become a mother, a grandmother and a great grandmother, and necessarily passed to her fathers - and into the stomachs of the Puritans. (Laugh-Then a village is formed, and the village street follows the old ox road; and the town grows up and brick makes its appearance and the shops and the stores and the blacksnith shop and the church and the schoolhouse are all built along the old calf path; and the city grows and at last becomes a city of. I hate to say how many hundred thousand inhabitants, for if I exaggerate it will hurt somebody's feelings, I if I make it too low there may be somebody here from Boston and I might never hear the end of it. In the long run we have a hundred thousand men every day led by that dead calf along that way, and they twist and turn and twist about and use language which I would not like to employ in the presence of ladies, and every day a hundred thousand men pass along and they lose a hundred years every day, and all on account of that calf that has been dead three hundred years.

It was thought that as in olden times trouble between subject and subject, and clan and clan, and nation and nation,

had to be decided by the strong right arm reinforced by a club, so in international matters it was thought that the old plan was the best plan after all, and until very recent times indeed nobody imagined for a single moment that trouble between nations should not be settled by the club. I don't care whether you have Gatling guns or whether you have swords; the sword is just an evolution from the old club, and the Gatling gun is just the modern counterpart of the stone that our ancestors used to throw at each other. But a better law has sprung up. Now we have gone further, people have come to the conclusion that the eternal principles of justice and right are just as binding upon nations, the members of the great confederacy of nations upon the earth, as they are upon single individuals, the members of a State; that right may not be determined by strength of armament and that no nation can expect to be an independent arbitrator in its own cause. Great Britain . and the United States, since 1784 to 1910, have had treaty after treaty submitting this question and that to the independent arbitrament of independent tribunals. I have at another time, and before another audience, detailed the various treaties which have taken place between your country and mine. Nineteen separate questions have been referred, and in the case of all but five the reference has been triumphantly successful; and for one hundred years there has been no war between these two nations. For one hundred years, or nearly that, there has been no armed ship upon our Great Lakes. For more than one hundred years we have been using our common sense - for it all comes back to that — and there is not so much as an earthen fortification along the four thousand miles of our international boundary. (Applause.) We have in existence two treaties, one which governs all British territories, one which

is concerned with Canada alone, which provide for the submission of all questions in dispute to independent tribunals. I hope the door of this room is closed, I hope there is no reporter but our own-I know I can kill him if it be necessary-1 am going to tell you a secret, Would you believe it? we two nations have been living together for over twenty years on a modus vicendi that everybody thought had gone by the board long ago; in 1888, when a treaty was signed by Bayard and Chamberlain, a modus vicendi was entered into between the contracting parties in the expectation that the Senate would confirm the treaty, but when the Senate failed to confirm the treaty, why, you and we just went along in the same way we had arranged for the interim, and for twenty-three years we have been living on that thing we can is not agreed in writing or otherwise, but which depends upon our own plain common sense. (Applause.) The Senate of the United States may fail to approve of a treaty, but they cannot prevent you and me, your nation and my nation living together in amity and peace. (Applause.)

Another treaty is now on the boards that may be ratified. That may be more far-reaching even than those two treaties which now exist. If so, if it be successful, by whatever name it be known in history, it ought to have attached to it only two names, one a christian name and the other a family name, and these two names are Elihu Root. (Applause.) Because it is your President more than any other man, or any body of men, who is responsible, and ought to be thanked for that condition of affairs. (Applause.)

The lawyer is in power in England: the lawyer has at last attained his proper position at the head of affairs there. It is well that the lawyer is in control in Eng-

land. In Ottawa, the Premier of the Dominion and the leader of the opposition are both lawyers. In Washington the Executive, your President, is a lawyer of the very highest type. (Applause.) He has surrounded himself by lawyers of equal high class, one of whom you heard last evening and heard again this evening with the utmost delight. (Applause.) I may be quite wrong, but it seems to me that I can see the providence of God, the sprint of God brooding over this continent as that spirit brooded over the waters of the mighty deep before creation's dawn, when all was chaos, without form and void. I would not if I could, I could not if I would say one word in derogation of that very great American who was the opponent of William Howard Taft at the last election. William Jennings Bryan must be a man of great ability as well as an exceedingly lovable man or he could not have won the heartfelt devotion of hundreds of thousands of Americans whose heads are hard if their hearts are warm. (Applause.) Nor may we lawyers arrogate to ourselves all the political any more than all the moral virtues. This great nation bears in its heart the name of their mighty first President, the land surveyor of Virginia; and we in Canada will never forget the working operative stone mason, Alexander Maekenzie, our second Prime Minister. On this continent one does not break his birth's invidious bar simply because there is no birth's invidious bar to break; nor does one's past occupation prevent him attaining any position; and it might well have been that the editor of Lincoln would turn out to be one of your greatest presidents. But he had not been tried - there was nothing in his past from which one could judge how he would fill the great office of President of the United States. William Howard Tait had been tried in the fire, he had been weighed in the

balance and he had not been found wanting. (Applause.) The prudent, the independent district attorney, the able, erndite, careful Judge, the firm but sympathetic and kindly—oh, how kindly, millions of brown-faced brethren of the present age do know and of the future will know—the kindly Governor, the able, reliable Secretary, all gave bail for the honorable, firm, sympathetic, kindly, honest President. (Applause.) My brethren of the Bar Association of the State of New York, make no mistake—notwith-standing the jeer and gibe of the jester and the paragrapher that old adage still stands true, "An honest man is the noblest work of God." (Applause.)

I, as a Canadian, say of William Howard Taft that he was the first of your Presidents who knew Canadians, who had lived amongst them, who appreciated them, who understood then instincts and understood the desires of their heart. He knew that Canadians were proud of their British origin and proud of their British institutions, and that they were determined, remaining British, to make their beautiful land, which, like yours, spreads from the Atlantic to the Pacific, to make that beautiful land the leading member of the British Empire. Knowing that, he never failed to say the kindly word to or for Canada. He never failed to do the kindly act towards or for Canada. He never failed to understand the Canadian's point of view; and when he found an opportunity as he did not long after his inauguration - to do a kindly act by Canada he did not let that opportunity pass; and I am proud to say we upon our side have a man, the most picturesque and in my view one of the greatest men in British territory to-day, who is not behind William Howard Taft in his desire that your people and mine, my brethren, shall live together in peace and amity - Sir Wilfrid Laurier. lause.) When it was necessary that we should lower

our duties upon thirteen specified articles, among them perfumery, in order that there should be no war of tariff as between your country and mine, he said in his place in Parliament, under his responsibility as Prime Minister of the Dominion of Canada, "Not thirteen or three hundred articles, not all the perfumery in Canada or in the United States, or in the whole globe, can be aught but as the small dust of the balance compared with the friendship of the people of the United States."

Mr. Taft, too, has made himself the apostle of peace, he has made that one of the great objects of his admin-(Applanse.) Not a month ago, in Washingistration. ton, my Canadian and British heart was rejoiced to see hanging upon the wall of a beautiful banqueting chamber there at a banquet at which the President of the United States was the honored guest, the American flag and the British flag of equal size, of the same material, of equal beauty, united with that most beautiful of all Latin words, "Pax." My heart rejoiced when I saw that; but that was nothing compared with the delight which must have filled the heart of every lover of peace when he read those magnificent words of the President of the United States, epoch-making words - I have heard in the British House of Commons, Gladstone deliver some of his most magnificent addresses, I have heard the great orators not only in the British House of Commons, but in our own - and we have orators - but there are no words which touched my heart, nor I believe the heart of every right thinking man more than these splendid words of President Taft: "There is no reason why there should not be submitted to judicial arbitrament every international question whether it refers to money, or territory or national honor." (Applause.) When the President of the United States can say that, and when the whole British House of Commons can unite with

him in saying it when these two great nations, the greatest and the wealthiest in the world, or that the world ever saw, when nations like these can say these words the day of peace is not far distant, nay, the day is already breaking in the east. And is that to be? Are these two nations which Carlyle says are not properly two nations, but one, inseparable by any human power or diplomacy, being already united by heaven's act of parliament and nature and practical intercourse - are these two nations above whom float flags which are red because dyed with the blood of a million heroes, these two nations whose history is a beadroll of fame, full of deeds of heroism and valor and patriotic selfsacrifice, two nations proud, self-reliant, with that chastity of honor which feels a stain like a wound, are these two nations to fling away the sword which they can both wield so well and say, "As for us and our house we will serve the Lord of Peace "? If so, the day of peace is not coming, but it has already come - and your place and mine, my brethren, in that is writ large. The day of the brute has gone, the day of the soldier is waning toward its close, the day of me lawyer is here when you and I see these two nations go forth together with peace in their right hand. That union will be grander and more glorious and more magnificent than even this Nation of States, great and grand and glorious and magnificent as it is: and we will cry, using the words of your own poet in larger and fuller and sweeter significance and signification:

"Sail on, O Ship of State!
Sail on, O Union, strong and gree!
Humanity, with all its fears,
With all the hopes of future years
Is hanging breathless on thy fate,
Our hearts, our hopes, are all with thee;
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears
Are all with thee—are all with thee!

O vision, blessed, beatific! soon may it be realized in all its glory and grandeur and sweetness and grace: for in that realization you, my brethren, and you, my sisters, and we must at length and only then find Ourselves. (Applause.)

