I. THE LAMP OF HONESTY

The great advocate is like the great actor : he fills the stage for his span of life, succeeds, gains our applause, makes his last bow, and the curtain falls. Nothing is so elusive as the art of acting, unless indeed it be the sister art of advocacy.

The young student of acting or advocacy is eager to believe that there are no methods and no technique to learn, and no school in which to graduate. Youth is at all times prone to act on the principle that there are no principles, that there is no one from whom it can learn, and nothing to teach. Any one, it seems, can don a wig and gown, and thereby become an advocate. Yet there are principles of advocacy ; and if a few generations were to forget to practise these, it would indeed be a lost art. The student of advocacy can draw inspiration and hope from the stored-up experience of his elders. He can trace in the plans and life-charts of the ancients the paths along which they strode, journeyed. They can be seen pacing the ancient halls with their clients, proud of the traditions of their great profession — advocates — advocates all.

Without a free and honourable race of advocates the world will hear little of the message of justice. Advocacy is the outward and visible appeal for the spiritual gift of justice. The advocate is the priest in the temple of justice, trained in the mysteries of the creed, active in its exercises. Advocacy connotes justice. Upon the altars of justice the advocate must keep his seven lamps clean and burning rightly. In the centre of these must ever be the lamp of honesty.

The order of advocates is, in D'Aguesseau's famous phrase, " as noble as virtue." Far back in the Capitularies of Charlemagne it was ordained of the profession of advocates " that nobody should be admitted therein but men mild, pacific, fearing God, and loving justice, upon pain of elimination." So may it continue, world without end.

From the earliest, Englishmen have understood that advocacy is necessary to justice, and honesty is essential to advocacy. Every pleader who acts in the business of another should have regard to four things : — First, that he be a person receivable in court, that he be no heretic, nor excommunicate, nor criminal, nor man of religion, nor woman, nor ordained clerk above the order of sub- deacon, nor beneficed clerk with the cure of souls, nor infant under twenty-one years of age, nor judge in the same cause, nor open leper, nor man attainted of falsification against the law of his office.

Secondly, that every pleader is bound by oath that he will not knowingly maintain or defend wrong or falsehood, but will abandon his client immediately that he perceives his wrong-doing. Thirdly, that he will never have recourse to false delays or false witnesses, and never allege,

proffer, or consent to any corruption, deceit, lie, or falsified law, but loyally will maintain the right of his client, so that he may not fail through his folly or negligence, nor by default of him, nor by default of any argument that he could urge ; and that he will not by blow, contumely, brawl, threat, noise, or villain conduct disturb any judge, party, serjeant, or other in court, nor impede the hearing or the course of justice. Fourthly, there is the salary, concerning which four points must be regarded — the amount of the matter in dispute, the labour of the serjeant, his value as a pleader in respect of his (learning), eloquence, and repute, and lastly the usage of the court."

Nevertheless, although an advocate is bound by obligations of honour and probity not to overstate the truth of his client's case, and is forbidden to have recourse to any artifice or subterfuge which may beguile the judge, he is not the judge of the case, and within these limits must use all the knowledge and gifts he possesses to advance his client's claims to justice. Boswell asked Doctor Johnson whether he did not think " that the practice of the law in some degree hurt the nice feeling of honesty ? " To whom the doctor replied : " Why no, Sir, if you act properly. You are not to deceive your clients with false representations of your opinion : you are not to tell lies to a judge." Boswell : " But what do you think of supporting a cause which you know to be bad ? " Johnson : " Sir, you do not know it to be good or bad till the judge determines it. I have said that you are to state facts fairly ; so that your thinking, or what you call knowing, a cause to be bad must be from reasoning, must be from your supposing your arguments to be weak and inconclusive. Lord Chief Justice Cockburn, set forth his views of an advocate's duty, concluding with these memorable words : " The arms which an advocate wields he ought to use as a warrior, not as an assassin. He ought to uphold the interests of his client per fas, and not per nefas. He ought to know how to reconcile the interests of his clients with the eternal interests of truth and justice." If an advocate knows the law to be x, it is not honest to lead the court to believe that it is y. Whether the advocate does this by directly mis-stating the law, or by deliberately omitting to state it fully within the means of his knowledge, it is equally without excuse, and dims the lamp of honesty.

For the advocate must remember that he is not only the servant of the client, but the friend of the court, and honesty is as essential to true friendship as it is to sound advocacy.

II. THE LAMP OF COURAGE

Advocacy needs the " king-becoming graces : devotion, patience, courage, for- titude." Advocacy is a form of combat where courage in danger is half the battle. Courage is as good a weapon in the forum as in the camp. The advocate, like Csesar, must stand upon his mound facing the enemy, worthy to be feared, and fearing no man. Unless a man has the spirit to encounter difficulties with firmness and pluck, he had best leave advocacy alone.

A modern advocate kindly reproving a junior for his timidity of manner wisely said : " Remember it is better to be strong and wrong than weak and right." The belief that success in advocacy can be attained by influence, apart from personal qualifications, is ill-founded.

It is very true that learning begets courage, and wise self-confidence can only be founded on knowledge. The long years of apprenticeship, the studious attention to "preperatives," are, to the advocate, like the manly exercises of the young squire that enabled the knight of old to earn his spurs on the field of battle. In no profession is it more certain that 4 4 knowledge is power," and when the opportunity arrives, knowledge, and the courage to use it effectively, proclaim the presence of the advocate.

There have been many advocates whose courage was founded on humor rather than knowledge, and who have successfully asserted their independence in the face of an impatient or overbearing Bench through the medium of wit, where mere wisdom might have failed in effect.

Independence without moderation becomes licentiousness, but true independence is an essential attribute of advocacy, and the English Bar has never wanted men endowed with this form of true courage. The sacrifice of the highest professional honors to the maintenance of principle has been a commonplace in the history of English advocates, and the names of the living could be added if need be to those who have passed away, leaving us this clean heritage as example.

The true position of the independence of the English Bar, the right and the duty of the advocate to appear in every case, however poor, degraded, or wicked the party may be, is laid down once and for all in a celebrated speech of Erskine's in his defence of Thomas Paine, who was indicted in 1792 for publishing the Rights of Man. Great public indignation was expressed against Erskine for daring to defend Paine. As he said in his speech, " In every place where business or pleasure collects the public together, day after day, my name and character have been the topics of injurious reflection. And for what ? Only for not having shrunk from the discharge of a duty which no personal advantage recommended, and which a thousand difficulties repelled." He then continued, in words which the learned editor of Howell's State Trials emphasises by printing in capital letters, to enunciate one of the basic principles of English advocacy : " Little, indeed, did they know me, who thought that such alumnies would influence my conduct : I will for ever, at ALL HAZARDS, ASSERT THE DIGNITY, INDEPENDENCE, AND INTEGRITY OF THE ENGLISH Bar ; without which, impartial justice, the most valuable part of the English Constitution, can have no existence. From the moment that any advocate can be permitted to say that he will or will not stand between the Crown and the subject arraigned in the court where he daily sits to practise — from that moment the liberties of England are at an end. If the advocate refuses to defend, from what he may think of the charge or of the defence, he assumes the character of the judge ; nay, he assumes it before the hour of judgment ; and, in proportion to his rank and reputation, puts the heavy influence of perhaps a mistaken opinion into the scale against the accused, in whose favour the benevolent principle of English law makes all presumptions, and which commands the very judge to be his counsel."

William Henry Seward was acting in the defence of the negro Freeman in 1846,who killed a farmer and several of his family. His advocacy was of no avail to the negro, but his eloquent speech remains a noble statement of the duty of the advocate, and a fine example of devotion and courage in the exercise of that duty.

The whole speech is worthy of study, as it contains a glowing and reasoned appeal for the right of the most degraded human being in a civilised state to a real hearing of his case in a judicial court, which can only be obtained through honest and competent advocacy.

" In due time, gentlemen of the jury, when I shall have paid the debt of nature, my remains will rest here in your midst with those of my kindred and neighbours.

It is very possible they may be unhonoured, neglected, spurned ! But perhaps years hence, when the passion and excitement which now agitate this community shall have passed away, some wandering stranger, some lone exile, some Indian, some negro, may erect over them an humble stone, and thereon this epitaph : 'He was faithful.' " These words, as he desired, are engraved on the marble over him, and he is remembered at the American Bar as an advocate who upheld its best traditions, and feared not to hold aloft the Lamp of Courage.

III. THE LAMP OF INDUSTRY

The first task of the advocate is to learn to labour and to wait. There never was a successful advocate who did not owe some of his prowess to industry. From the biographies of our ancestors we may learn that the eminent successful ones of each generation practised at least enough industry in their day to preach its virtues to aspiring juniors. Work soon becomes a habit. It may not be altogether a good habit, but it is better to wear out than to rust out. Nothing, we are told, is impossible to industry. Certainly without industry the armoury of the advocate will lack weapons on the day of battle.

There must be years of what Charles Lamb described with graceful alliteration as " the dry drudgery of the desk's dead wood " before the young advocate can hope to dazzle juries with eloquent perorations, confound dishonest witnesses by skilful cross-examination, and lead the steps of erring judges into the paths of precedent.

All great advocates tell us that they have had either steady habits of industry or grand outbursts of work. Charles Russell had a continuous spate of energy." Do something ! "

Abraham Lincoln owed his sound knowledge of law to grim, zealous industry. In after-life to every student who came near him his advice was, " Work ! work !work ! "

Advocacy is indeed a life of industry. Each new success brings greater toil. Campbell, writing home from the Oxford Circuit, describes the weary round of his daily task. Some advocates suffer thus every day the court sits, whilst others sit round and suffer envy. " I ought to have got

so far to-night on my way to Hereford, but we have a long day's work before us, and I shall be obliged to travel all to-morrow night. You can hardly form a notion of the life of labour, anxiety, and privation which I lead upon the circuit. I am up every morning by six. I never get out of court till seven, eight, or nine in the evening, and, having swallowed any indifferent fare that my clerk provides for me at my lodgings, I have consultations and read briefs till I fall asleep. This arises very much from the incompetence of the judge. It is from the incompetency of judges that the chief annoyances I have in life arise. I could myself have disposed of the causes here in half the time the judge employed. He has tried two causes in four days. Poor fellow, he is completely knocked up." An advocate must study his brief in the same way that an actor studies his part. Success in advocacy is not arrived at by intuition.

You have to work hard and to think hard. I get some good help, as I tell you. My mode of work is this : One of these young men reads the brief and makes a note — a full one. I go through the note with him ' (smiling), ' cross-examining him, if you like. Sometimes, I admit, it may not be necessary for me to read the brief; the note may be so complete, and the man's knowledge of the case so exact, that I get everything from him. But it often is — in fact, generally is — necessary to go to the brief. You have seen me reading briefs here. I admit that I am quick in getting at the kernel of a case, and that saves me some trouble ; but I must read the brief with my own eyes, or somebody else's.' " I said, ' Sir John Karslake went blind because he could only read his brief with his own eyes. It is a great point to be able to read your brief with somebody else's eyes !' " Russell— Well, well, well, that's so ! but it is not intuition.' " I said, ' It has been said that O'Connell never read his brief when he appeared for the defendant. He made his case out of the plaintiff's case.' " Russell — 'I don't think that is likely ; I think O'Connell knew his case — the vital points in his case — before he went into court. There is often a great deal in a brief which is not vital, which is not even pertinent. I can read a brief quickly ; I can take in a page at a glance, if you like ; I can throw the rubbish over easily, and come right on the marrow of the case. But I can only do that by reading the brief, or by the help of my friends. I learn a great deal at consultations ; I am not above taking hints from everybody, and I think carefully over everything that is said to me ' (holding his hand up with open palm) ; ' I shut out no view. If I have a good point, it is that I can see quickly the hinge on which the whole case turns, and I never lose sight of it. But that is not intuition, my friend ; it is work.' " Industry in reading and book-learning may make a man a good jurist, but the advocate must exercise his industry in the double art of speaking and arranging his thoughts in ordered speech. He must be ready to leave his books awhile and practise the athletics of eloquence with equal industry. The silver-tongued Heneage Finch advises students " to study all the morning and talk all the afternoon."

For " bare reading without practice makes a student, but never makes him a clever lawyer." Our fathers understood this better perhaps than we do, and made provision of halls and cloisters and gardens, where students could take exercise and discuss the mysteries of their profession when the hours of reading were over.

The days of wandering in cloisters and gardens, putting cases to one's fellow- students, and listening to the wisdom of elders by the margin of the fountain are, alas !not for us. But even to-day a wise youngster should recognise that sitting in court to listen to the conduct of cases, attendance at circuit mess and dining in Hall, where the law-talk of seniors may still on occasion be of value — these things are all forms of industry, for the advocate can only learn the true creed of his faith from oral tradition.

If a man is endowed with health and industry, the profession of an advocate is not “a rash and hazardous speculation." He may even without blame give hostages to fortune, remembering that when Erskine made his first appearance at the Bar his agitation nearly overcame him, and he was just about to sit down a failure when, he says, “ I thought I felt my little children tugging at my gown, and the idea roused me to an exertion of which I did not think myself capable." He succeeded, indeed, far beyond his expectations, and he found, when he had overcome that first modest inertia which benumbs even the greatest genius, that he was fully equipped to fight the battles of his clients against all comers. And the reason of it was that he had not failed to read and learn and digest beneath the Lamp of Industry.

IV. THE LAMP OF WIT

At the back of this little word " wit " lies the idea of knowledge, understanding, sense. In its manifestation we look for a keen perception of some incongruity of the moment. The murky atmosphere of the court is illuminated by a flash of thought, quick, happy, and even amusing. Wit, wisely used, bridges over a difficulty, smooths away annoyance, or perhaps turns aside anger, dissolving embarrassment in a second's laughter." Laughter may be derisive, unkind, even cruel, or it may be rightly used as a just weapon of ridicule wherewith to smite pretension and humbug. It may be gracious and full of kindliness, putting a timid man at his ease, or instinct with good-humour, softening wrath or mitigating tedious irrelevancy. It may be the due recognition of a witty text preaching a useful truth, that could otherwise be expressed only in a treatise :" From the earliest times wit has been a light to lighten the darkness of advocacy.

Pedants and bores resent all forms of wit, but a real humorist rejoices in nothing so much as a good story against himself.

Often the wit of an advocate will turn a judge from an unwise course where argument or rhetoric would certainly fail. Lord Mansfield paid little attention to religious holidays. He would sit on Ash- Wednesday, to the scandal of some members of the Bar, whose protests made no impression upon him. At the end of Lent he suggested that the court might sit on Good Friday. The members of the Bar were horrified. Serjeant Davy, who was in the case, bowed in acceptance of the proposition." If your lordship pleases ; but your lordship will be the first judge that has done so since Pontius Pilate." The court adjourned until Saturday

"Wit is often the fittest instrument with which to destroy the bubble of bombast. “

Wit may fairly be used to strip the cloak of pretension from the shoulders of impudence. Holker was cross-examining a big vulgar Jew jeweller in a money- lending case and began by looking him up and down in a sleepy dismal way and drawled out : " Well, Mr. Moselwein, and what are you ? "

" Agenschelman," replied the jeweller with emphasis. " Just so, just so," ejaculated Holker with a dreary yawn, " but what were you before you were a gentleman ? " Wit, skilfully used, is the kindliest and most effective method of exhibiting the futility of judicial interruptions. " Where do you draw the line, Mr. Bramwell ? " asked a learned judge in the Court of Common Pleas. " I don't know, and I don't care, my lord. It is enough for me that my client is on the right side of it."

Wit and courtesy need never be divorced. They are, indeed, complementary. Wit, deftly used, refreshes the spirit of the weary judge. Lord Chief Justice Coleridge, writing from the Northern Circuit, says : " Gully was excellent. His phrase, when he asked for a stay of execution ' in order to con- sider more at leisure some of your lordship's observations,' tickled my fancy very much. Misdirection was never more courteously described."

Satire or irony is often in danger of being misunderstood by the simple- minded jury. Ridicule, to be effective, must be pointed, even extravagant. In combating the defence of Act of God set up by an American advocate defending a client on the charge of arson, Governor Wisher, for the prosecution, disposed of the theory of spontaneous combustion, and succeeded in satisfying the jury of its absurdity : " It is said, gentlemen, that this was Act cf God. It may be, gentlemen. I believe in the Almighty's power to do it, but I never knew of His walking twice round a straw stack to find a dry place to fire it, with double-nailed boots on so exactly fitting the ones worn by the defendant."

Bowen, on the Western Circuit, was less fortunate. Prosecuting a burglar caught red-handed on the roof of a house, he left the case to the jury in the following terms : " If you consider, gentlemen, that the accused was on the roof of the house for the purpose of enjoying the midnight breeze, and, by pure accident, happened to have about him the necessary tools of a housebreaker, with no dishonest intention of employing them, you will, of course, acquit him." The simple sons of Wessex nodded complacently at counsel, and, accepting his invitation, acquitted the prisoner.

" brevity is the soul of wit."

Good advocacy displays the highest form of wit in an instinct for brevity. The healthy appetite of judge and advocate alike is shown in a keenness to " get through the rind of the orange and reach the pulp as soon as possible."

V. THE LAMP OF ELOQUENCE

The eloquence of advocates of the past must largely be taken on trust. There is no evidence of it that is not hearsay. For, though we have the accounts of earwitnesses of the eloquence of Erskine, Scarlett, Choate, or Lincoln, and can ourselves read their speeches, the effect of their eloquence does not remain. We are told about it by those who experienced it, and can believe or not as we choose. It is the same with actors. It requires genius to describe acting, so that the reader captures some of the experience of the witness. The most eloquent advocacy that is reported in print is to be found not in law reports, but in fiction — in the speeches of Portia and SerjeantBuzfuz, for instance, where for all time the world continues hanging on the lips of the advocate in excited sympathy with the client. There are some who think that rhetoric at the Bar has fallen in esteem. The modern world has certainly lost its taste for sweet and honeyed sentences, and sets a truer value on fine phrases and the fopperies of the tongue ; but there will always be a high place in the profession for the man who speaks good English with smooth elocution, and whose speeches fall within Pope's description : Fit words attended on his weighty sense, And mild persuasion flow'd in eloquence. The test of eloquence in advocacy is necessarily its effect upon those to whom it is addressed. The aim of eloquence is persuasion. The one absolute essential is sincerity, or, perhaps one should say, the appearance of sincerity.

It would appear from the history of advocacy that the flame of the lamp of eloquence may vary from time to time in heat and colour. One cannot say that the style of one advocate is correct and another incorrect, since the style is the attribute of the man and the generation he is trying to persuade. Yet, however different the style may be, the essential power of persuasion must be present. He must, as Hamlet says, be able to play upon his jury, knowing the stops, and sounding them from the lowest note to the top of the compass. Brougham's tribute to Erskine's eloquence is perhaps the best pen-picture of an English advocate we possess, and it is noticeable how he emphasises this power of persuasion and endeavours to solve the psychology of it. He places in the foreground the physical appearance of the man, a great factor in each style of advocacy.

" Nor let it be deemed trivial," he says, " or beneath the historian's province, to mark that noble figure, every look of whose countenance is expressive, every motion of whose form graceful, an eye that sparkles and pierces, and almost assures victory, while it 6 speaks audience ere the tongue.' Juries have declared that they felt it impossible to remove their looks from him when he had riveted and, as it were, fascinated them by his first glance; and it used to be a common remark among men who observed his motions that they resembled those of a blood-horse, as light, as limber, as much betokening strength and speed, as free from all gross superfluity or encumbrance. Then hear his voice of surpassing sweetness, clear, flexible, strong, exquisitely fitted to strains of serious earnestness, deficient in compass indeed, and much less fitted to express indignation, or even scorn, than pathos, but wholly free from harshness or monotony. All these, however, and even his chaste, dignified, and appropriate action, were very small parts of this wonderful advocate's excellence. He had a thorough knowledge of men, of their passions, and their feelings — he knew every avenue to the heart, and could at will make all its chords

vibrate to his touch. His fancy, though never playful in public, where he had his whole faculties under the most severe control, was lively and brilliant ; when he gave it vent and scope it was eminently sportive, but while representing his client it was wholly subservient to that in which his whole soul was wrapped up, and to which each faculty of body and of mind was subdued — the success of the cause."

Eloquence of manner is real eloquence, and is a gift not to be despised. There is a physical as well as a psychological side to advocacy, documentary evidence of which may be found in the old prints and portraits.

Mr. Montagu Williams has pointed out that the best English eloquence of his time was founded on what he calls a solid style of advocacy. Nearly every great advocate has found it necessary to make use of the eloquence of persuasion. Charles Russell is the one exception. He did not seek to persuade, he directed the court and jury. Whether or not he was, as Lord Coleridge said, "the biggest advocate of the century," he was undoubtedly a very great advocate. Clearness, force, and earnestness were the basic qualities of his eloquence. It was said of him that "ordinarily the judge dominates the jury, the counsel, the public, — he is the central figure of the piece. But when Russell is there the judge isn't in it. Russell dominates every one."

The moral of the lives of the advocates seems to be that in the house of eloquence there are many mansions, and any style natural to the man who uses it is his right style, and may succeed. One besetting sin of many would-be eloquent speakers is fatal, and that is bombast. And though eloquence at its highest is a gift, the art of speaking can be learned and personal difficulties overcome. De- mosthenes, with his pebbles in his mouth or running up a hill spouting an oration, has been an example to us from the school- room.

There is no golden rule of method, but there is this golden principle to remember that the message of eloquence is addressed to the heart rather than the brain." Gain the heart, or you gain nothing ; the eyes and the ears are the only road to the heart. Merit and knowledge will not gain hearts, though they will secure them when gained. Pray have that truth ever in your mind. Engage the eyes by your address, air, and motions ; soothe the ears by the elegancy and harmony of your diction ; the heart will certainly follow ; and the whole man and woman will as certainly follow the heart."

VI. THE LAMP OF JUDGMENT

Judgment inspires a man to translate good sense into right action. I would not quarrel with the philosopher who describes judgment as an instinct, but I would bid him remember that even an instinct is acquired by " cunning " rather than luck. Let no one think that he can attain to sound judgment without hard work. The judgment of the advocate must be based on the maxim, " He that judges without informing himself to the utmost that he is capable cannot acquit himself of judging amiss."

A client is entitled to the independent judgment of the advocate. Whether his judgment is right or wrong, it is the duty of the advocate to place it at the disposal of his client. In the business of advocacy judgment is the goods that the advocate is bound to deliver. Yet he is under constant temptation to please his client by giving him an inferior article. The duty of the advocate to give only his best.

The above question frequently arises, and some counsel have considered themselves bound to obey the wishes of the solicitor. There is no doubt that this is the safest course for the advocate, for, if he does otherwise and the result is adverse, he is likely to be much blamed, and the solicitor also is exposed to disagreeable comments ; but I hold, and have always acted upon the opinion, that the client retains counsel's judgment, which he has no right to yield to the wishes or opinions of any one else. He is bound, if required, to return his brief, but if he acts against his own convictions he sacrifices, I think, his duty as an advocate."

An advocate of judgment has the power of gathering up the scattered threads of facts and weaving them into a pattern surrounding and emphasising the central point of the case. In every case there is one commanding theory, to the proof of which all the facts must be skilfully marshalled. An advocate with one point has infinitely greater chances than an advocate with twenty points. Rufus Choate was an advocate of great judgment, and not only was he enthusiastic and diligent in searching for the central theory, or 44 hub of his case, as he called it, but having made up his mind what it was, he rightly put it forward without delay, believing that it was the "first strike" that conquered the jury. Parker, his biographer, tells us that 44 he often said to me that the first moments were the great moments for the advocate. Then, said he, the attention is all on the alert, the ears are quicker, the mind receptive. People think they ought to go on gently, till, somewhere about the middle of their talk, they will put forth all their power. But this is a sad mistake. At the beginning the jury are all eager to know what you are going to say, what the strength of your case is. They don't go into details and follow you critically all along : they try to get hold of your leading notion, and lump it all up. At the outset, then, you want to strike into their minds what they want — a good, solid, general view of your case ; and let them think over that for a good while. 4 If,' said he emphatically, 4 you haven't got hold of them, got their convictions at least open, in your first half-hour or hour, you will never get at them at all.' "

Abraham Lincoln had a genius for seeing the real point of his case and putting it straight to the Court. A contemporary who was asked in later life what was Lincoln's trick with the jury replied, " He saw the kernel of every case at the outset, never lost sight of it, and never let it escape the jury. That was the only trick I ever saw him play."

In nothing does the advocate more openly exhibit want of judgment than in prolixity. Modern courts of justice are blamed by the public, not wholly without cause, for the length and consequent expense of trials. To poor people this may mean a denial of justice. No one desires that the judge should constantly interfere with counsel in the discharge of their duties, but it

seems to be his duty on occasion to blow his whistle and point out to the combatants that they are offside.

If every one connected with the trial of an action were to train and use his judgment and co-operate with the judgments of his fellow-workers in a policy of anti-waste, a great reproach would be lifted from our courts of justice. Prolixity is no new disease.

" In his lordship's conduct of trials he was very careful of three matters : 1. To adjust what was properly the question, and to hold the counsel to that ; for he that has the worst end of the staff, is very apt to fling off from the point and go out of the right way of the cause. 2. To keep the counsel in order ; for in trials they have their parts and their times. His lordship used frequently to inculcate to counsel the decorum of evidencing practice. 3. To keep down repetition, to which the counsel, one after another, are very propense;

The judgment of an advocate may be called upon at any moment for a sudden decision that may mean the victory or defeat of his client. For this reason it is necessary that he should be always alert. The contents of his brief must be already in his mind, and his attention must be fixed on what is happening in court, which has rarely been foreseen in the best-prepared brief ever delivered to counsel. "Watch the case!" It is a golden rule.

An advocate who is always fumbling with his brief when he is examining a witness cannot follow the game that is on the table before him. Sound judgment is essential to the ex- amination of witness.

Two golden rules handed down from the eighteenth century, and maybe from beyond, are still unlearned lessons to each succeeding generation of advocates: 1. Never ask a question without having a good reason to assign for asking it. 2. Never hazard a critical question without having good ground to believe that the answer will be in your favour.

Most re-examination intending to rehabilitate the character of a witness is apt to make matters worse. These stories of actual happenings, trivial in themselves, teach us the necessity of judgment in advocacy. And I pray the young advocate not to rejoice too merrily over the errors of judgment of his seniors or lament too grievously about his own. Bear in mind that by acknowledged error we may learn wisdom, and that the only illuminant for the lamp of judgment is the oil of experience.

VII. THE LAMP OF FELLOWSHIP

An advocate lacking in fellowship, careless of the sacred traditions of brotherhood which have kept the lamp of fellowship burning brightly for the English Bar through many centuries, a man who joins the Bar merely as a trade or business, and does not understand that it is also a professional community with public ideals, misses the heart of the thing, and he and his clients will suffer accordingly.

Fitzjames Stephen wisely said of the English Bar that it is " exactly like a great public school, the boys of which have grown older, and have exchanged boyish for manly objects. There is just the same rough familiarity, the general ardour of character, the same kind of unwritten code of morals and manners, the same kind of public opinion expressed in exactly the same blunt, unmistakable manner."

It was for this reason that the judges always addressed a serjeant as " Brother." It seems a pity that this fraternal greeting, this courteous link of fellowship between Bench and Bar, necessarily disappeared with the abolition of Serjeant's Inn. Yet, though the talisman is no longer spoken, the spirit of brotherhood will always be with us.

In the old days education in the law was undertaken very seriously, but in a fraternal spirit. The reader would propound a case, the utter barristers would declare their opinion, the reader would confute the objections laid against him, and the students would eagerly note the learned points of the seniors. These readings took four or five hours daily, and were held in the halls. The moots and the boltings took place after supper, and at other times among the students under the leadership of a barrister. But the whole term was not taken up with the dry study of the law. There were feastings, grand nights.

For though some of this ancientry is better honoured in the breach than the observance, yet even the buffoonery, as Stephen called it, of Grand Court has its value as a link with the past. It is an excellent thing for the profession that in the same way as the lessons of advocacy in the past were learned by the young students from their elders, who sat at meat with them and shared their lives in intimate and homely fashion, so to-day we enter a common Inn, dine at a common table, join a common mess upon circuit, all of which is evidence of the continuance of that right spirit of fellowship which, to my mind, is an essential of advocacy. The fellowship of the Temple springs from its long traditions of brotherhood among the Templars. To turn out of the Strand into its quiet courts brings over your brooding spirit something of that sacred melancholy pleasure which one feels on entering the old school or dining once again in the college hall. But you are no longer actor, art and part, in the school and college life. Here in the Temple, though others are judges and benchers and fashionable leaders, you can still wander in shabby honesty in the gardens, pull down some of the old volumes in the library, and dine below the salt with your fellow-ancients.

The Temple is full of ghosts — honest ghosts with whom it is a privilege to claim fellowship. There are some who speak of the Bar sneeringly as a Trade Union — which it certainly is, and to my thinking one of the oldest and best unions. And if advocacy could be honestly described as a trade, then the phrase trade union might be accepted without demurrer. For the basic quality of a trade union, that which has made these institutions thrive against opposition, is the spirit of fellowship and un- selfishness which is the ideal of its members.

We have seen how of old the senior members of the Bar trained up the juniors in the mystery of their craft, and throughout the practice of the profession it has always been a point of honour for the elders to assist the beginners in those difficult days of apprenticeship. What could be more delightful and encouraging to a youngster than to be received by his genial, handsome leader in the presence of an admiring attorney.

No man ever attains a position at the Bar in which he can afford to despise the opinion of his fellow-men. The eulogies of public journals, even the praise and patronage of attorneys, are of no worth compared with the respect of the Bar.

Charles Russell, during the course of a trial, cross-examined a lady with great severity, and afterwards received an anonymous letter of a very abusive character, in which he was charged with having been guilty of conduct in his cross-examination "which no gentleman should pursue towards any woman." He thereupon sat down and wrote a letter to the counsel on the other side, in which he said, " I should be sorry to think this was true, but I am not the best judge of my own conduct,"

Russell's learned friend cleverly evaded responsibility by telling him that the character of a gentleman was one " we all know you eminently possess," with which certificate of character the great man was soothed and satisfied. With the decay of circuits and the passing of old customs and the silence of ancient convivialities, some of the spirit of fellowship may be lost. But we must remember that even the good old days were not without evidence of professional malice and uncharitableness. As far back as the reign of Francois I. it was a rule of the French Bar that " advocates must not use contentious words or exclamations the one toward the other ; or talk several at the same time, or interrupt each other." These words might still be engraved in letters of gold on the walls of our own law-courts, for on occasion the lamp of fellowship burns so low that such things occur. Still, at the English Bar we may claim that we set a good example to other bodies of learned men by our real attachment to the precepts and practice of fellowship, and may, without hypocrisy, commend the rest of mankind to follow in our footsteps, And do as adversaries do in law, Strive mightily, but eat and drink as friends.