

THE LAWYER'S PLACE IN SOCIETY.¹

In "calling you to the Bar" the Law Society of Upper Canada is performing one of its important functions.

For over 100 years this Incorporated Society has been carrying on its work, and during that time has called to the Bar many brilliant students who have ranked high thereafter in the professional and public life of Canada.

On the occasion of each "call" the members of Convocation look upon the graduating class with the greatest interest. Some of you may be selected to be His Majesty's Justices, either in the Province of Ontario or possibly in the Supreme Court of Canada. Others may take high rank in the public life of the country; some may, conceivably, even be elected as Benchers of this Society; but, joking apart, all may so deport themselves as to become among the most respected and esteemed citizens in the community in which they reside.

You have now completed what up to the present time is probably the most interesting period of your lives. Behind you is the preliminary preparation; before you, further preparation and application of the stores of knowledge you have and of those you will hereafter acquire. The final review of the work done and its results, the last words of admonition and advice, the separation from professors and class-mates, the sundering of ties never to be re-united, except in memory, the God-speed, the good-bye, and you stand alone amidst the contending forces, necessities and ambitions of life.

You will probably never think you know so much as you do today, and your future hope is dependent upon how far you appreciate the fact that you have only found the road and how to travel it.

Convocation esteems it a pleasure to confer upon each of you the degree of "Barrister-at-law," and in its name and on its behalf I now call each of you to the Bar, and confer upon you the degree of Barrister-at-law. The Profession welcomes you with open arms. It places neither jealousies nor obstacles in the way, but with cordial greetings gives to you encouragement and assistance.

¹ Address by the late Honourable W. D. McPherson, K.C., as Acting Treasurer of the Law Society of Upper Canada, to the Graduating Class on their Call to the Bar (18th October, 1928).

Trades-Unions limit the number of their apprentices, and resist by every process the acquiring of their crafts; but the Temple of the Law has its doors always open for those who desire to study and practice its principles and teachings.

The early years before a practice comes are full of opportunity and danger. All about us are the wrecks of those for whom the clock struck twelve when they received their diplomas. Some fall out from weariness and hopelessness; some because they have concluded that they have mistaken their calling.

The patient research, unflagging zeal and faculty to sift and discriminate, is not granted to every one, even though greatly gifted in other ways. Probably for the best interests of the individual and of society, the moment the discovery is made the profession should be abandoned. Many are struggling with poverty and despair in the law who would benefit society and enrich themselves in the management of great affairs.

The country has innumerable successful merchants, manufacturers and executives who have discarded the law, for which they felt they were not fitted, and followed the bent of their genius, but who nevertheless have demonstrated superiority to their fellows in the same pursuits because of their training and familiarity with the great fundamental principles of jurisprudence.

The vast enterprises of our times, the enormous profits of business and speculation, the rapid accumulation of gigantic fortunes, the intensity of industrial activity, the limitless expansion and production of commerce, the palatial dwellings of wealthy men rising on every side, and the adulation to and power of money, are the hope and despair of the profession.

These elements, at the same time, however, both enlarge the limits of practice and narrow the possibility of competition in the acquisition and fruits of your labour.

New issues are to be settled, new relations to be adjusted, corporations and individuals are to be advised and large interests are to be protected, and thereby there is increased the demand for trained, skilled and able advisers and advocates far beyond the supply, while the distractions of society and luxury and the temptations of other pursuits enervate and deplete the ranks as fast as they are recruited.

The foundation for success of a lawyer is the knowledge he has acquired and the power he demonstrates in its exercise, in the superiority of intellectual over material forces, and in his unques-

tioned influence in society and the affairs of State. Integrity of character and fidelity to opinions and duty are the requisites of a good lawyer.

The property of a client which comes into his possession can neither be borrowed nor loaned. It is a sacred trust to be instantly and scrupulously accounted for. Because of laxity to this principle, without dishonesty in intent or result, many brilliant and promising careers have been suddenly stopped, and many a conscientious plodder, by his fidelity and prompt payments, has won both honour and income, and become the custodian of large interests and estates.

In a broader sense, however, must the integrity of the lawyer be conspicuous. For though holding larger trusts than all other vocations combined, and without security, the records of the profession, in its fiduciary relations, is of unsurpassed purity.

Let me exhort you to most carefully keep your clients' funds separate and distinct from your own. Put them in a special account, from which they will be withdrawn only on the client's instructions. Disregard of this elementary prudence has caused untold mental worry to many a hard-working member of the profession, and, sad to relate, has sometimes caused a large loss to the client; with consequent disgrace to the Solicitor.

It is not alone by the brilliant triumph of the Advocate, but as adviser and friend, that the lawyer finds his sphere of largest usefulness. He discourages suits, and encourages settlements. He cools the passions and promotes the interests of his clients. He inculcates justice by making it profitable. He mediates between warring neighbours, and ultimately secures the confidence and friendship of both. He becomes an educator and benefactor in that broad sense which points out the right and enforces it.

In litigation, which can only be disposed of after a trial, it is common experience that the law is not infrequently uncertain owing to conflicting decisions; while the facts are so subject to the lights and shadows of ignorance, memory or prejudice, that he will rarely have a cause or client to which, or to whom, it will not be his duty to give his devoted and enthusiastic efforts, leaving to the skill of his adversary, to the learning and guidance of the judge, and to the verdict of the jury, the vindication of the right.

All great lawyers have been remarkable for the extent and versatility of their attainments, and the works of many of them are

marvellous monuments of improved opportunities outside the law, strengthening and gracing its profession and practice.

But how, except a man has extraordinary endowments, can all this be done? The answer is, by improving with reading the odd five minutes.

Odd hours are a lifetime, and your personal experience during your student course will have made you familiar with the value of method. Do not disregard it, now that you have graduated. Carefully attended to, it will soon provide you with a treasure-house of valuable miscellaneous information which is a distinguishing mark of the cultured mind.

We are the heirs

"Of all the Ages in the foremost fyles of time,"

and the accumulations of all the past are our inheritance.

No other profession or pursuit has behind it exemplars and a history like the Law. Its teachers have been the foes of anarchy, misrule and tyranny, and its principles form the foundation of governments and the palladium of rights.

It is not Pericles but Solon and his Statutes who made possible Grecian power and progress; it was not her legions but her Twelve Tables which made Rome the mistress of the world; Europe was preserved not so much by the defeat of the Moslem hordes as by the discovery at the sacking of Amalfi of the Pandects which, as no doubt you are aware, consisted of 50 volumes containing a digest or collection of Roman Civil Law, compiled by order of the Emperor Justinian; it was not the Norman Conquest but the Common Law of England which evolved constitutional freedom out of chaos, revolution and despotism.

Bacon, Coke, Blackstone, Mansfield, Brougham, Erskine and hundreds of others, by the law and through the law, have done more for peoples and States than all the warriors of the world.

The Code Napoleon is a more beneficial memorial of that great General than all the battles he ever won.

The duty of a lawyer to his profession and his country compels him in greater or less degree to be a politician; but until success is assured he should avoid becoming an office-holder. While his training fits him to educate public sentiment and resist popular delusions, he cannot, ordinarily, enter public life without losing practice.

Many a lawyer has gone to the Legislature expecting to find, by the acquaintance and reputation it gives, a speedy road to clients and income, and discovered that he has permanently lost both.

In your relations with fellow practitioners, "Do unto others as you would they should do unto you." Sharp practice is abhorrent to the profession and the judiciary, and if you are properly constituted will surely cause you to lose your own self-respect.

In your relations with the Court never forget for a moment that the presiding judge is His Majesty's Justice, and entitled to the utmost respect from every practitioner. If he disagrees with your method of presenting the facts or your impressions concerning the law applicable to the case, there is open to you and your client the dignified course of appealing, but under no circumstances should you be guilty of any lack of respect to the Court.

In conclusion permit me to reiterate on behalf of Convocation the pleasure we feel in meeting you today, for the first time as fellow-practitioners. You will find the world a generous adversary, and sooner or later it will yield its prizes of independence and honour to those who merit them.

May it be the good fortune of each of you, individually to be most successful in the practice of this ancient and honourable profession which we all love so well and to the promotion of whose interests Convocation most assiduously devotes itself, and hopes to have your earnest co-operation.

W. D. MCPHERSON.

Toronto.