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THE RELATIONS
OF
CHRISTIANITY TO LAW
AND
THE LEGAL PROFESSION.
A DISCOURSE.

BY
E. P. Rogers
REV. E. P. ROGERS,

PASTOR OF THE FIRST PRESBYTERIAN CHURCH, AUGUSTA, GA.

CHARLESTON:
STEAM POWER-PRESS OF WALKER AND JAMES.
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TO THE

AUGUSTA BAR,

MANY OF WHOSE MEMBERS ARE AMONG THE AUTHOR'S CONGREGATION, AND OF THE
NUMBER OF HIS MOST VALUED PERSONAL FRIENDS,

THIS DISCOURSE

IS

RESPECTFULLY DEDICATED.

PREFACE.

It may be proper to state that this Discourse was prepared for the Author's congregation, among whom are a large number of highly respectable members of the Legal Profession. It was, subsequently, preached before the Governor and members of the Legislature of Georgia, during the late session at Milledgeville. The substance of it has also appeared in the form of an Essay, in the Southern Presbyterian Review for October, 1851. The kind reception with which it has met, and the suggestions of valued friends, that it might be more extensively useful in this form, must be the Author's apology for thus presenting it to the public.

The Author begs leave to acknowledge his obligations to the able productions of Rev. Dr. Spring of New-York, Rev. Dr. Boardman of Philadelphia, and Samuel Warren, Esq., of London, for valuable assistance in the preparation of this Discourse.

E. P. R.

AUGUSTA, JAN. 1852.

DISCOURSE.

Romans 3: 31.—“Do we then make void the law through faith! God forbid! Yea, we establish the law.”

IN these words the great Apostle paid his impressive tribute, as a Christian, to the ancient moral law. It had been said by cavillers against the Gospel, that the revelation of a new ground of justifying man, other than by his own obedience to the law, was calculated to weaken its force, and sully its glory. The Apostle repels this insinuation, as to the licentious tendency of the doctrine of Justification by Faith, and shows conclusively, that it tended rather to exalt and commend the law to the reverence and obedience of every true and pious heart. The truth, that its claims were satisfied with nothing less than the obedience, sufferings and death of the Son of God, who honored it alike by his life of obedience, and his death of agony and shame; and the truth, that faith in Christ, and love for him, leads every believer to reverence more sacredly, and obey more scrupulously, all its requirements, both testify to the influence of the Gospel upon the law, and prove, that instead of making it void, it established it on an immoveable, and everlasting, and glorious foundation.

But while the system of religion taught by our Saviour and his inspired Apostles, is not in opposition to the divine code, known as the moral law, neither is it opposed to the science of human jurisprudence. Nowhere is human law so well defined, respected and obeyed; nowhere does it so fully carry out its noble mission, as the guardian of human rights, and the defender of man's dearest interests, as where Christiani-

ty is most widely diffused among the people. Those who are the most zealous advocates for the support of law and the maintenance of public justice, who cultivate and uphold a law-loving and law-abiding spirit in the community, are not the vicious, and depraved, and abandoned portion of the people, but they are the sober, the virtuous, the godly—those who reverence the divine, and therefore are bound to respect the human, law. And if the Genius of lawlessness and anarchy would seek to establish her reign of terror in the state, and trample beneath her feet the dearest rights of men, her first blow should be levelled against the religion of the Bible, for nothing would prove such an insuperable obstacle to her progress, as the conservatism of piety. Faith must be abolished, if men would make void even Human Law.

One great distinction between a Christian and a Heathen nation, is the enthronement of Law, in its majesty, among the people, and the regular, unfettered, impartial administration of justice. In such a land, the science of jurisprudence will be honored as one of the noblest of the sciences, and the legal profession, whose vocation it is to expound and apply its principles, will be deservedly regarded as one of the most honorable and important of all earthly vocations. It is well said by an eminent English jurist and author,* “that the due discharge of the varied, arduous and responsible duties of the lawyer, his intellectual and moral fitness for his profession, is a matter of vital concernment to society at large; to every individual in the community, from peer to peasant; nay, from the august occupant of the throne, down to the very humblest subject in her dominions.” And a distinguished divine of our own country† also remarks with truth, that “the moral character of the Bar, no less than its character for learning and ability, is a matter of deep and universal concern. It is not a matter, Gentlemen of the Bar,” says he, “which pertains merely to your reputation as individuals, nor to the relations between yourselves and your clients. Even if it were, it might be pertinent to ask, who are your clients? For the purposes of this argument, the whole com-

* Samuel Warren, F.R.S., of the Inner Temple, London.

† Rev. Dr. Boardman, of Philadelphia.

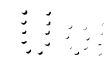
munity are your clients. There is no citizen, however humble, or however exalted, who may not at any time become your client. There is not one among our honorable and opulent merchants, among the ministers of religion, among the able and upright jurists who preside over your own courts; nay, not one among our refined and gentle females, our mothers, wives, and daughters, who may not on any day be compelled to invoke your protection. You are the conservators of our property, of our liberty, our lives, our characters, the guardians of our fire-sides, the defenders of our altars. Have we no stake, then, in your character? Have we no right to insist, that a profession which is the depositary of our most sacred earthly interests, shall omit nothing that may help to qualify them for their high trust? that they shall not only make themselves masters of their noble science, in its principles and its technicalities, but cultivate those elevated moral sentiments which alone can assure us that our confidence will not be misplaced?"

The Bar, likewise, in all civilized countries, and especially in our own, is the royal road to distinction in the state. Lawyers are the leading men, generally, in all public movements, and exert a greater influence than any other class of men, in guiding and controlling the public mind. They are at the head of our parties, they are usually the selected orators in our popular assemblies, they shape the course of our legislative bodies, they fill the chairs of state, and bear the insignia of office; they are, in a word, *our public men*. They direct the councils and policy of the nation, they are often our representatives at foreign courts, and have our national honor in their keeping. Surely it cannot be a matter of too great importance, that the legal profession be qualified to discharge its high behests, in such a manner as to be at once the ornament and the safeguard of the state.

In considering the relations of Revealed Religion to Jurisprudence, it will be pertinent to glance briefly at the history of Legal Science.*

It is an interesting fact, that the first written code of law

* See Springs' "*Obligations of the World to the Bible*," to whose able lecture on Legislative Science, the author is indebted for valuable aid.



ever delivered to any people, is found in the Holy Scriptures. The Mosaic code, delivered by the great Legislator of the Universe to His ancient people, is the first published code which the history of the world has recorded ; and, it may be remarked, that it is a very perfect system of law. We know that it has been said, that in the early history of our race, when the state of human society was ruder, their manners simpler, and the whole social structure less complicated and ramified than in later days, codes of law were necessarily rude and simple, and that the science of jurisprudence, like other sciences, has been enlarged and improved from age to age, as the wants of society demanded, and increasing civilization and refinement ensured. It is undoubtedly true, that great additions have been made to this science in the progress of time, and that the application of its principles has been extended over a vastly wider range. Mercantile Law has had its origin and made its progress since the Mosaic code was published, for the ancient Hebrews were not to any extent a commercial, but an agricultural people. And the isolated character of the Hebrew commonwealth would, doubtless, leave much for after ages to add in the form of International Law. The condition of different countries, too, would call for special enactments, appropriate to those countries. But when you look at the great principles of legal science, the genius of human jurisprudence, you will find them in that first great code which the ancient Hebrew Patriarch received from the hand of the Almighty, amid the thunders and lightnings of Sinai.

Foremost in that code, coming with all the authority of the Legislator of Heaven, stands *The Moral Law*.

This wonderful and comprehensive code is not, as some have asserted, a system for the government of individual conduct, in which the Divine Being, or conscience, his vice-gent in the human heart, alone sits as Judge. It is true that this law has to do with the relations which man sustains to the moral government of God ; that it concerns the inner as well as the outer life of men ; that it extends its sceptre into that mysterious mental and moral realm, over whose affairs human law has no jurisdiction, and issues mandates which



earthly tribunals cannot enforce. But it is no less true, according to an able writer,* that it lays down principles and rules for men in communities and states, which are essential to their very existence, which indeed lie at the foundation of human society. No social organization, he remarks, could exist, much less could it advance and secure the best interests of men, which was not based upon the statutes of the Moral Law. These statutes are, in fact, but the embodiment of those immutable and eternal principles of right and wrong, to which God himself always conforms, and which are designated by writers on Jurisprudence, as the "*Law of Nature*." This moral law "is founded in those relations of justice, that existed in the nature of things antecedent to any positive precept." The things which it requires are right, and those which it forbids are wrong, by the universal, immutable verdict of reason, of man's natural constitution, as well as by the various codes of all but the most barbarous and degraded of the nations of the earth. All the enactments of human law, respecting man's duties to his fellow-man, spring from this code, and to this they owe all their force. The crimes of murder, of theft, of adultery, of perjury, are prohibited and punished by human law, but they only re-echo the condemnation of the divine code. Human legislation can add nothing to the unlawfulness of those offences. It arises out of their being in opposition to the laws of God, and this intrinsic unlawfulness cannot be affected by human enactments. All the legislation on earth could not take away the moral turpitude from murder, nor make it right for a man to rob his fellow of his money or his good name. The Divine code has made it wrong, the law of nature asserts boldly its unlawfulness, and human jurisprudence can only add its feeble assent to these majestic enunciations.

And when we examine those three general precepts so famous in human jurisprudence, to which the Emperor Justinian, in the sixth century, reduced "the whole doctrine of Law," "*honeste vivere, alterum non lædere, suum cuique tribuere*," what is there here but the very spirit of the moral code of the ancient Hebrew legislator? Let these precepts

* Dr. Spring.

be carried out into practice, and what statute of that code would not be observed? Ancient and venerable as are the Institutes of Justinian, there is an earlier and more authoritative system than his; and for his three great principles, which are so often quoted by the expounders of human codes, we must go back not only five hundred years to the God-man Christ Jesus, and his heavenly teachings, but we must travel across the waste of twenty centuries, and behold the hoary patriarch of Israel receiving them from the hand of Jehovah, on the trembling and smoking mountain.

But when we examine the civil code of the ancient Hebrews, we shall still find that the fundamental principles of all wise legislation, and the basis of the science of jurisprudence, is contained in that first written code of laws known to history. Dr. Spring, in his lecture on "*The obligations of Legislative Science to the Bible*," has specified various particulars in which the Mosaic laws have not been surpassed by the enactments of any succeeding code, especially in respect to personal rights, and the transactions of ordinary life.— Says he, "the caution with which the Mosaic laws prevented the accumulation of debt; the fidelity with which they required the restoration of lost property; the restoring of property which was injured, or stolen, in the former case, to the full amount of its original value, and in the latter, to double that amount, and the distinctness and simplicity of the law of bailment, are replete with instruction to every succeeding generation of men. Any man who carefully reads that beautiful treatise of Sir William Jones on this last subject, will see that all the leading principles of the law of bailment, there illustrated, are found in the law of Moses.— In the Mosaic code you find the following law in relation to injuries arising from carelessness and inattention: "If a man shall open a pit, or if a man shall dig a pit, and shall not cover it, and an ox or an ass fall therein, the owner of the pit shall make it good, and give money unto the owner of them; and the dead beast shall be his. And if one man's ox hurt another's that he die, then they shall sell the live ox and divide the money of it; and the dead ox also they shall divide." (Exodus, 21 : 33, 35.) This law contains the germ

of all the existing refinements of the law of injuries arising from want of care, and those arising without fault. There is a nice equity in this law, where upon payment for the damages 'the beast shall be his' who was the occasion of the injury. The division of the loss, too, where neither party is in fault, is a very refined notion of equity. It is the rule at the present day, in the case of the collision of ships, and is both more equitable and more tender than leaving the loss upon that party who, by accident, first sustains it. Dividing the loss also greatly diminished the temptation to quarrel about the probable fault, and to prevent litigation, and this is a cardinal object of all wise governments. * * * The law of depositaries, or the law concerning property given in charge for safe keeping, is not to be surpassed for wisdom and equity: and all the refinements of the law to this day, do not carry the principle any farther. No rule of damages, in cases of seduction, is so wise as that in the law of Moses. It is the usual one lawyers now present to juries, where the case is one of real deception. These, and other similar laws, are expressive of great wisdom, and have been uniformly honored by all wise and benevolent legislators."

History, too, according to Dr. S., testifies to the obligations which modern jurisprudence owes to that code of law of which we speak. It cannot be doubted, that the surrounding nations were acquainted with the Jewish code of laws. Egypt, Persia, and Greece herself, felt the influence of that code. Many points of resemblance, between the laws of the Hebrews and those of the Greeks, have been traced out by learned writers. Not to speak of others, it may be interesting to mention, that in the history of the common law of England, written by that eminent jurist, Sir Matthew Hale, it is declared, that there is almost an exact resemblance between the codes in these two nations in regard to the law of descents.

The Roman law, which was collected and reduced to system under the direction of the Emperor Justinian, is the foundation of modern civil jurisprudence. No pains were spared in its compilation and arrangements. The regal constitutions of their ancient kings, the twelve tables of the decem-

virī, the edicts of the prætors, and the opinions of learned lawyers were examined, and from their immense stores the "body of the civil law" was formed. But it is a matter of history, that when the twelve tables were formed, the laws of Greece were carefully examined, and the element infused into the Grecian codes from that of Moses, doubtless thus found its way into the Roman law.

In the History of the Fall of the Roman Empire, by Sismondi, it is said that when Alfred the Great, who, as is well known, collected a portion of the common law of England, "caused a republication of Saxon laws, he inserted several laws, taken from the Jewish ritual, into his statutes, as if to give new strength and cogency to the principles of morality." "And hence," says Dr. S., "it is no uncommon thing in the early English reporters, to find frequent references to the Mosaic law." Sismondi also states, he continues, that one of the first acts of the clergy under Pepin and Charlemagne of France, was to introduce into the legislation of the Franks, several of the Mosaic laws found in the books of Deuteronomy and Leviticus. The learned Michaelis, who was professor of law in the University of Gottingen, remarks, "that a man who considers law philosophically, who would survey them with the eye of a Montesquieu, would never overlook the laws of Moses. And one of the most distinguished statesmen of our own country, whose name will always live in American history, the celebrated Fisher Ames, remarked that "no man could be a sound lawyer, who was not well read in the laws of Moses."

It thus appears that Legal Science is under peculiar obligations to the Bible and the Christian religion; that it is indebted to Divine Revelation for the very principles and genius of its institutions. The highest glory of Human Law is, that it is the reflection of the Divine; faint indeed, and far less glorious than its original, yet irradiated with splendors from its heavenly source, which justly command our admiration and respect.

If this be so, then the Bible should find its warmest friends and supporters among the members of the legal profession. It should be regarded indeed as a text book, wherein the

principles of that noble science, of which they are the expounders and administrators, are laid down and enforced with all the authority of Divinity. Containing the first code of law which was ever recognized among men, and which came from the hand of a Divine Legislator, embodying principles which have largely entered into the various systems of human jurisprudence, and reflecting upon them something of the grandeur and dignity of the Divine Original, it is worthy to be had in the highest reverence and admiration by that important and honorable profession whose relations and duties are now under consideration.

But we think that the Bible is worthy of such respect and admiration, because of the special honor which it seems to do to the legal profession. The most superficial reader of its pages cannot have failed to notice that frequent allusion is made to the forms and proceedings of legal tribunals, as well representing that most august and solemn transaction to which all human life is tending, and upon which all the events which are transpiring around us, are exerting a most important influence. There is a scene which is to be enacted before the moral universe, of which no type or representation could be found, save in the solemnities and forms of a court of justice. The Judge is to be seated on the Bench, arrayed in all the dignity and majesty of that position, and to conduct the trial of the world according to the principles and requirements of an infinite and eternal Law. The individuals to be tried are to appear before the tribunal. The law is there, the evidence is there, recorded in massive volumes then to be opened, for the acquittal or condemnation of those who are on trial. It is, to our mind, a circumstance worthy of notice, that the Holy Scriptures, when they would represent the most solemn and momentous transaction in which men can be engaged, and shadow it forth in a most striking and impressive form, should have selected a scene with which the members of the legal profession are most familiar, and in which they are most frequently the actors.—This could never have been the case were this profession an unnecessary and injurious one to the interests of human society, or the scenes of its practice other than solemn and im-

pressive. It may indeed be the case that our courts are burdened with much unnecessary and frivolous litigation. But he who can be indifferent to the scenes which are sometimes enacted there, when man's dearest interests are involved in the issue, must have lost his sensibility to all that is solemn and overwhelming in interest and impressiveness. When we see an earthly tribunal sitting in judgment upon the case of an individual whose life is at stake, it is to us a fitting type of that tremendous scene which is to be presented at the last great day. The position and office of the Judge acquires additional solemnity and dignity in our estimation, as we remember that the Holy Scriptures make Him a type of that Great Being who shall sit upon "the great white throne," and "judge the world in righteousness." The office of the Advocate also gathers fresh claims to our consideration when we recall that language of the inspired Apostle which declares that "if any man sin, we have an Advocate with the Father, Jesus Christ the Righteous." The whole scene gathers force and impressiveness from the consideration that the Divine Spirit has used it in the sacred volume to describe and image forth that most stupendous transaction which the universe is to behold—the *final judgment*.

And if this be so,—if the Divine Spirit has singled out from among all the scenes which are enacted among men, those which lie in the daily path of the legal profession, and in which they are the principal actors, to represent that event to which all the providences of God, and all the actions of men, are tending, which is to be the winding up of the affairs of Time, and the opening of the unchanging destinies of Eternity—it is to us no slight tribute to the dignity and the majesty of earthly tribunals, and to those who are called to administer their lofty behests. Their character should ever be such as to make them worthy of the sublime association.

It has also seemed to us that the members of the legal profession were under peculiar obligation to examine fairly into the divine claims of Christianity. The very nature of their profession leads them to habits of the nicest investigation, and the most rigid scrutiny of evidence. Testimony is everything with them. We are not insensible to the

power and value of eloquence in our tribunals of law. We have listened with admiration to an earnest and impassioned advocate, in his plea for an unfortunate client whose liberty or life was in danger. We have seen the rapt attention of bench, bar, jury, and spectators—the breathless silence—the rapidly-varying expression—the deep-drawn sigh—yea, the sob—the tear that testified to the power of the speaker, as he touched with a master-hand the deepest chords within the soul, and swept them at his pleasure. We know that some of the noblest efforts of genius, and some of the finest specimens of eloquence, have graced the annals of tribunals of law. But even in these cases, the foundation of the masterly argument—the vivid description—the thrilling appeal, was *the evidence*; and the great effort of the advocate was to place *that* before the minds of his auditors, and give it a thousand voices, that *it* might speak conviction either of the guilt or innocence of his client, to the minds of those who were the arbiters of his destiny. To place the evidence clearly before the jury—to sift it thoroughly and keenly—to examine and cross-examine, until everything which has a direct or remote bearing upon the case, is brought out as clearly and unequivocally as possible, “*hic labor, hoc opus est,*” in conducting a case. Therefore lawyers, from the very nature of their profession, should and do attach great weight to evidence, and make it a principle to take nothing for granted. But the system of Christianity is one which proffers its high claims to universal reception upon the infallible evidence which it adduces. It asks nothing at the hands of man but a thorough examination of that evidence. It invites the most rigid, and only asks that it be a candid scrutiny. The testimony of miracles, of prophecy, of the noble and exalted system of morals it proposes—the perfect agreement of all parts of its great text-book with each other, and with profane history—the character of the writers, and the moral effects which it has produced upon the world; this chain of testimony, which has stood the assaults of unbelievers for two thousand years, and of which not a link is broken, Christianity offers to the world. Who then so fitted, by the very nature of their daily avocations, to examine and

feel the force of the evidences of Christianity, as the members of the legal profession? There never was a case adjudicated in a court, where the evidence was as conclusive and overwhelming as that which Christianity adduces ; and she appeals with peculiar force to those who are, by the very nature of their profession, fitted to appreciate and investigate claims thus presented and supported. To be an unbeliever in Christianity, then, seems to be peculiarly inconsistent in a member of the legal profession. To reject a system which challenges the nicest scrutiny of the evidence which supports it, and presents a chain of testimony which would carry instant conviction to the minds of any unprejudiced tribunal, is unworthy of those who are accustomed daily to the examination of evidence with careful scrutiny, and the most minute and thorough investigation, and to base their opinions, and their line of action, upon the results of such examination. Let lawyers give to the evidences of Christianity the same scrutiny, subject them to the same searching process, examine and cross-examine with the same critical acumen which they display in the conduct of their cases in the courts, and they will be convinced that Christianity has fully established her case, and that the evidences of her divine character cannot be invalidated.

Again : To be not only a believer in Christianity, but practically to honor its claims in daily life, seems to be, in a peculiar sense, binding upon the members of that profession, whose obligations and duties we are considering. They are the guardians, defenders, expounders, and administrators of *the law*. They are sworn to maintain and advance the interests of truth and justice. They are to see that the good are protected, and that the bad are punished. Every kind of crime is to be by them rebuked, and its perpetrators held up to deserved reprobation. The dearest earthly interests of society are to be protected by them, and, in fine, there is no class of men on earth, except the ministers of the gospel, who are called to such a noble and important vocation. But does it not seem to be a striking inconsistency, that he who is set for the maintenance and observance of human, should himself be a violator of the divine, law ? Does it not

seem to be in the highest degree consistent with his professional obligations and responsibilities, that he who is the expounder and minister of that law which has been well said by Mr. Warren to be "that power by which civil society is constituted and sustained in existence, overpowering the unruly elements of our fallen nature ; with heaven-born energy converting the savage into the citizen, making the wilderness to bloom and blossom as the rose, redolent of the balmy air of peace and order, and surrounding its confines with impregnable bulwarks against brute force and arbitrary will ;" does it not, we say, seem in the highest degree consistent for him who is the minister of a system so noble and beneficial, to respect profoundly, and obey faithfully, that "*higher law*" of which this is but the shadow and the abridgement ? Shall he who inculcates the duty of obedience to the laws of man, himself set the example of disobedience to the laws of God ? Shall he who expounds and maintains the enactments and requirements of human legislators, and whose professional life is regulated and controlled by these, and whose business it is to see that by their proper interpretation and application, the order and prosperity of human society are preserved and advanced, be regardless as to the ordering of his life by the principles of that law "whose seat is the bosom of God, and whose voice is the harmony of the universe ?" Inasmuch as human law is the creature of the divine, and shining with reflected light, feebly images forth the glories of its sublime original, with what propriety or consistency can the lawyer insist upon the claims of the less, without a practical acknowledgment of the obligations of the greater ? Shall the puny articulations of the legislators of earth command his personal respect, and claim the devotement of his noblest talents and his most precious time, and shall he refuse to hear and obey the mighty utterances of the great Lawgiver of the Universe ? Shall he spare no pains to bring the offender against the laws of his country to merited punishment, and thus secure the best welfare of that country, and yet never feel within his bosom a pang of bitter self-condemnation for his own daily breaches of the laws of God's

moral universe, which, in their infraction, bring the direst confusion, wretchedness, and ruin upon the great family of man? Shall he stand up to plead for a fellow man arraigned at the bar of an earthly court, and not ask, "who will be my advocate before the tribunal above?" Shall he engage in the daily business of the court, and not be reminded of that assize where he must soon appear, not as an advocate, but as a client; not as a minister, but as a subject of law? No conformity or devotion to the law of man, will be received at that day as a substitute for a constant neglect of the laws of God. Yea! his must be an aggravated condemnation. Next to him who appears as the herald of the skies, God's ambassador to men, and is faithless to his trust, must he stand in depth of guilt and bitterness of condemnation, whose earthly vocation it was to uphold the majesty and the sanctions of law and justice among his fellow men, and was yet regardless of the law of God. If any man should be rebuked by his daily vocation for an irreligious life, by the very principles which he is called upon daily to uphold, defend, and apply, it should be a member of the legal profession. Its high vocation, and honorable and important mission, impose upon it peculiar and proportionably solemn responsibilities. And will it not be seen to be a truth in its application to this most honorable profession, that a solemn sense of the paramount obligations of the law of God, and a consistent practical obedience to that law, is entirely compatible with and friendly to the most distinguished attainments in jurisprudence, and the highest honors of the bench or the bar. The names of Hale, and Selden, and Marshall, and Reeve, and Sherman, give ample testimony to the truth of this, in whom the attainments and honors of the jurist were so beautifully blended with the faith and graces of the Christian.

Again: The peculiar relation which the members of the bar sustain to the community, makes it in the highest degree desirable that they should be men actuated by pure Christian principle. We have already adverted to the fact that the bar is the high-road to preferment; that lawyers generally are our public men, who make our laws, administer our

government, and have our national honor in keeping. In these public relations it is easy to see how desirable it is that they should be pure, upright, God-fearing men. But we speak now more particularly of that intimate and confidential relation which, as lawyers, they sustain to the community, and to their clients. The character of that relation has been well described by Mr. Warren, and we therefore quote his words at length. He remarks, addressing lawyers :

“Gentlemen, I repeat, speaking as one of the public, that we could not do without you even if we wished. Whatever be our talents or acquirements, whatever our tempers and dispositions, whether amiable and yielding, or exacting, irritable and overbearing—whether we be virtuous or profligate, we may have to take you into our confidence, and open to you the most secret recesses of our hearts. We tell you what we would declare to no one else on earth ; we pour into your ears the accents of anguish all but unutterable ; to your eyes are exposed hearts bleeding and quivering in every fibre, pierced by the serpent’s tooth of ingratitude, broken by the loss of those whom we love more than life itself, whether taken from our arms by death, or ravished from us by fiendish lust or the ruthless ruffian hand of violence. When our domestic peace is slain—when the most hallowed relations of life and society are dislocated by the evil passions of others—by cupidity perfidy, fraud hypocrisy, malice and revenge—in short, whether our honor, our life, our liberty, our property, or those of our families, are endangered or outraged, to you per force we must fly in our extremity : living or dying, yes, I say dying, for we descend into the grave in reliance on the discretion and integrity with which you have undertaken to carry into effect our wishes on behalf of those loved ones whom we are leaving behind us, whom we would fain shelter as far as we may from calamity and the world’s reverses, by providing for them out of the produce of a life’s labor, anxiety, and privation ; and we look to do all this through the instrumentality of your judicious and conscientious exertions.

“When the shaft of calumny has wounded us, it is to you that we fly to vindicate our smarting honor ; into your ear are poured the affrighted accents of those to whom guilt is imputed ; crime of fearful enormity, attaching infamy maddening to contemplate—crime, too, which may be *falsely* imputed to him whom the mere imputation is blighting before your very eyes, and who, in his agony and horror, has

sent for you—has summoned you that he may listen, in the dread gloom of a prison cell, to your sympathizing words of counsel and guidance—that he may whisper into your ear the indignant protestations of an innocence which with confiding eagerness relies on you for its vindication.”

This peculiar, intimate, and confidential relation, renders it especially desirable that they in whom we are thus obliged to confide, should be worthy of the trust. They should be men of sterling integrity, purity, and honor—of quick sympathies—of nice discrimination—of refined delicacy of feeling. We do not say that all these may not be possessed in a good degree where there is not piety, for we think we have known such cases; but it is certainly true that there is greater security where religion adds her graces to the character, and gives also to natural endowments a crowning glory. The influence which the lawyer may have over his client, growing out of the confidential relation existing between them, may be immense. He becomes acquainted with his secrets, his embarrassments, his perplexities, his fears, his trials; he often takes his property into his hands, or what is far more precious, his reputation; his client is forced to put himself entirely in his power, and commit to his discretion and fidelity the guardianship of his dearest interests. Surely there is great opportunity for the abuse of influence, the perversion of power, here; how difficult for poor human nature to maintain under such circumstances always a spirit of integrity and disinterestedness, and how valuable the aids of true piety! Here, again, we quote from Mr. Warren, and give you a few sentences from the close of one of his lectures. After presenting, in a very comprehensive and forcible sketch, the duties and responsibilities of the profession, he proceeds:

“Well may you modestly ask, who is sufficient for these things? You cannot become so except through help from on high. I tell you that your character will be utterly rotten, all your resolution and efforts abortive, unless under the constant influence of piety and virtue, ruling the heart and directing the will on all occasions whatsoever. Oh, let not an immortal spirit bow itself into the dust, forgetful of its high destiny, and becoming of the earth, earthy. It can degrade

itself, but cannot get rid of those awful responsibilities which it has incurred in this transitory scene of probation. Forget not God, but remember him constantly, and obey his precepts. Piety and virtue will give you true elevation of character—can alone extinguish envy, hatred, malice, and uncharitableness—extract the sting from adversity—dignify even failure, and add unspeakable sweetness to success.”

Finally : We think that the peculiar temptations of the legal profession are such as to demand the aids and influences of piety. We trust that we have expressed, in sufficiently explicit terms, the high estimation in which we hold both the science and the practice of jurisprudence. There is a well known passage from Hooker, one of the ablest of the old English divines, of the sixteenth century, which expresses in masterful style what ought to be every man’s opinion. It is this :

“Of law there can be no less acknowledged than that her seat is the bosom of God—her voice the harmony of the world ; all things in heaven and earth do her homage—the very least as feeling her care, and the greatest as not exempted from her power : both angels and men, and creatures of what condition soever, though each in different sort and manner, yet all with uniform consent admiring her as the mother of their peace and joy.”*

And in Sir James Mackintosh’s “Discourse on the Law of Nature and Nations,” occurs the following forcible passage :

“There is not, in my opinion, in the whole compass of human affairs, so noble a spectacle as that which is displayed in the progress of jurisprudence ; where we may contemplate the cautious and unwearied exertions of wise men through a long course of ages, withdrawing every case as it arises, from the dangerous power of discretion, and subjecting it to inflexible rules, extending the dominion of justice and reason, and gradually contracting within the narrowest possible limits the domain of brutal force and arbitrary will.”

Yet noble as is the science, and essential to the well being of society, and honorable as is the practice of jurisprudence,

* Hooker’s Works, p. 240.

it cannot be denied that there are great and peculiar temptations connected with it. The lawyer, immersed in the duties of his practice, may sometimes fail to keep before his mind's eye "the lofty and everlasting principles of virtue and justice, which are concerned in the structure of law," and is in danger of overlooking the importance of always so using his office as to "magnify and make it honorable."

There is one peculiarity about the legal profession, as Dr. Boardman remarks—"Its daily element is controversy." This is the source of its great temptations. The excitements of the judicial arena are not altogether favorable to the preservation of a candid, even, magnanimous temper, free from envy, malice, petulance, and an unscrupulousness in the use of means; nor is this arena always the scene of that noblest of all victories—the conquest of self.

"There is no sphere," continues Dr. B., "in which integrity is of greater value, and none where it is more rigorously tested, than at the bar. The temptations to swerve from it are of daily recurrence, and are sometimes clothed with a most specious garb. The profession has to do with two classes of persons—the wronged and the wrong doers. And to deal with either as their confidential adviser, in a perfectly frank, straightforward, and kind manner, demands a stern and lofty virtue. We know how difficult this is in private life; and the difficulty must be greatly increased when the parties bear to each other the relation of client and counsel. Among men who live by the law—who look to it for support and for fame, the inducements must be very strong to encourage litigation. It has always been the opprobrium of the profession, that it was infested by individuals who were ready on all occasions to pander to the basest passions, and to become the instruments of the avaricious, the revengeful, and the hard-hearted, in oppressing their victims. Such men unhappily rarely want for clients."

Yet, while this is true, there are many instances where the lawyer has been the means of settling on an amicable basis a case of difference which might have grown under his fostering care into a vexatious protracted litigation, involving not only a ruinous expenditure of property, but cherishing every malignant feeling of the heart, and entailing some-

times a deadly feud upon after generations. The public are not aware how often the legal profession, frequently represented as a promoter of strife and discord, is entitled rather to the noble benediction, "Blessed are the peace-makers."

Yet the temptations are certainly very powerful the other way. It is no easy thing for one whose character and support are dependant upon his professional business, to refuse any case that offers, or any side of any case. When clients come excited and heated by real or fancied injuries, to seek from their attorney the redress which the law provides—when they demand that the screws shall be applied without mercy, and every means of harassing and crushing their adversary shall be put into operation which the mighty engine of the law can furnish, it requires very high and noble views of duty to rise above the promptings of self-interest, and endeavor to soothe their excitement—examine into the real merits of the case, and endeavor to settle it by an equitable compromise. It requires a lofty moral courage, especially in one who is young, and naturally ambitious of rising in his profession, to decline a case presented, either on account of its frivolous character or its injustice, and to refuse peremptorily to allow his client to attempt not only to perpetrate a wrong under color of law, but to do it through his agency. And there is equal need of stern virtue in the conducting of a case, when rightfully undertaken, in the avoidance of any of the tricks of the trade, the packing of juries—the brow-beating and intimidation of witnesses—the misquoting or straining of authorities—the appeal to the baser passions, or to sectional or political preferences—the attempt to direct the mind from the real question at issue, and secure a verdict on other grounds than its real merits. All these things may purchase the reputation of being a very keen lawyer, but this is not the same thing with being a true, honorable man. Let him contend for the rights of his client as firmly as he may, but let him contend fairly; let him remember the fundamental principle, "*sum cuique tribuere*," and apply it even to his opponent, so that if successful his laurels may be greener because fairly won, and, if unsuccessful, he may at least console himself with the re-

flection that he contended honorably, and suffers no disgrace in failure.

Lawyers often see the worst side of human nature. Avarice, revenge, malice, cupidity, falsehood, often come to them to seek, by their means, to gain their wicked ends. They may hold out a glittering bribe to influence the counsel they consult, and win them to their vile uses. They may have the letter of the law on their side, but not its spirit; and, therefore, an honorable, high-minded practitioner will refuse to prostitute his abilities in their cause. It needs a lofty sense of the responsibilities of the profession to take this course—to scorn to become the knife with which some merciless “Shylock” will cut away “his pound of flesh”—to look beyond the bare technicalities of the case, and ask, “Is the *spirit of the law* with my client?” We do not mean to say that this temptation is never resisted, save by the aid of religious principle: there are men of intrinsic nobleness of mind, who would scorn to become the agents of avarice or revenge; but it is not always resisted, and it cannot be sure of universal resistance, except the pure principles of virtue and piety pervade the entire profession. Then, indeed, would this noble science, and this honorable and useful profession, take everywhere the exalted rank which belongs to it; then would the stale and groundless insinuation that its practice was unfriendly to integrity and virtue, be forever silenced, and its true nature and excellency would be acknowledged by the world. Then would there be more numerous instances of men like Sir Matthew Hale, of whom his biographer has well said, that “the singular uprightness and piety of his life, which excited the admiration of his contemporaries no less than of posterity, have rendered interesting to the most ordinary peruser, the quaint and sententious record of his thoughts and actions which have been transmitted to us by himself and his historian.” And what a noble testimony is it to his goodness, that “the beautiful details of his domestic life have rendered his memory even more cherished by the good and pious in all professions, than it is venerated on other grounds by the learned of his own. His piety among his many virtues was the most conspicu-

ous, and is the best remembered." He was an intimate friend of the pious Baxter, and this intimacy was the source of mutual advantage and pleasure to both. "Once, when suddenly called upon in the capacity of counsel, he shrank not, like a true-hearted follower of Christ, from averring as the reason of his unpreparedness, that it was late Saturday night before he had notice of the engagement, and that the next day was not a day to think of these things." His conscientious observance of the Sabbath was a trait in his character in which he has set a noble example to the profession of which he was one of the brightest ornaments. Nottingham, Talbot, and Blackstone, all eminent jurists, paid their tribute to religion and her claims, and proved that the temptations of their profession and position could be successfully combated by the aid of piety.

Far be it from us to say that there have not been instances in the legal profession of distinguished ability and of high moral excellence, when there has been no pretension to piety. Doubtless there have been and are such instances. "But," as Dr. Boardman well remarks, "it is contended that even in cases of this sort, religion would impart an additional lustre to the character; while its influence, if diffused throughout the body, would be most advantageously felt in removing the prevalent vices and defects of the profession, and augmenting all those virtues which make it one of the chief supports and ornaments of a refined civilization. What the profession would be if it were consecrated by the pervading power of a vital Christianity, may be inferred from such instances as I have mentioned, and other examples of living members of the bar, of men who combine the noblest intellectual gifts, the most accurate and profound knowledge of jurisprudence, rhetorical abilities of a high order, the purest affections, and the greatest amenity of manners, with an enlightened and unostentatious piety."

It would be a blessed thing for society if such were the character of every member of the legal profession. Important, useful, honorable as it is, its influence must be great upon the public welfare. It is said that there are more than twenty thousand lawyers in our country—more than one to every

fifteen hundred of our population. Let this large body of men, who are, as a class, well educated, intelligent, honorable men, foremost in public life by virtue of their peculiar relation to the community, wielding a more universal and universally powerful influence than any other class of men—our orators, our rulers, our ambassadors to foreign nations—let them be men of moral worth and true piety, and what a blessing and a pride they would be to our country ! Says Dr. Boardman—

“Piety alone will not fit men to become jurists, diplomats or legislators. But piety is the basis of good morals. It makes men conscientious. It stimulates them to acquire the qualifications demanded by the station Providence may assign them, and puts them upon using their abilities for the best ends. If evangelical Christianity were enthroned, not in our halls of justice merely, but in the hearts of all who serve at her altars, their great influence would tell far more auspiciously than it does now, upon the leading interests of this country. It would moderate the spirit of faction, the bane of all republics. It might repress the idolatry of mammon, and curb the lust of conquest, two of the brood of baser passions which have acquired an Herculean growth in our soil. It would check the prevailing tendency to rash and hasty legislation, and teach visionary reformers that they ‘should approach to the faults of the state, as to the wounds of a father, with pious awe, and trembling solicitude.’ It would be felt throughout all the framework of society, in extinguishing vice, alleviating misery, fostering education, and consolidating the institutions of Christianity.”

We would, then, respectfully recommend to those whose high vocation it is to expound and administer human law, to study deeply its divine original ; we would urge them to be familiar with its principles and its precepts ; to recognize its peculiar claims upon them, and to fulfil with fidelity and zeal all its holy requirements. Then shall their earthly course be one of honor, of usefulness and success, and when at last they appear before the great tribunal of God, not to conduct another's case, but for the final adjudication of their own, they shall receive a sentence of approval, from the Judge of all, which shall admit them to the unfading glories and the everlasting joys of The Heaven of the Good.