

JUNIUS JESSEL BURKE

LETTERS TO A
LAW STUDENT

"Carpe diem, ..."
—Q. H. FLACCUS

PAULO J. S. PEREIRA

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Preferatory

Before making up my mind to publish the enclosed, I submitted the manuscript to a very learned friend. A few days afterwards I had the pleasure of receiving back my letters with the following testimonial endorsed thereon: "Re Burke and Coke—Tax a fee of \$50 to Mr. Burke on the within.—E. G. D."

I think my readers will agree that a commendatory opinion, expressed in language so concise, yet elegant, and to the point withal, was sufficient to induce me to publish the letters which I wrote to my young friend Coke-upon-Littleton.

J. J. B.

Lawyers

MY DEAR COKE-UPON-LITTLETON:

You are thinking of studying the law. Well, I have a few friendly words to offer for your consideration. If your aim be to become a lawyer in the full sense of the term, your task is no light one. You are devoting yourself to a life of hard work, and never ending study. It is otherwise if you merely desire to become a member of the legal profession. Any man of ordinary parts who makes the same effort to succeed in law as he would make in any other pursuit, will get on. He may become Solicitor, Barrister and even Queen's Counsel without becoming a lawyer. I tell you, sir, that all the *lawyers* in this country could muster on a place much smaller, than the Plains of Abraham. Keep the distinction well before your mind. If you desire to become a lawyer you have a career of untiring application and industry to face. You must possess or succeed in acquiring what is called the "legal mind," or the faculty of being able to trace legal distinctions. Until you possess this qualification it is almost self-evident you cannot be considered a lawyer. Now this "legal mind" is generally only acquired after undergoing a thorough legal training. It is not an inborn talent, as is said of the poetic mind, "*poeta nascitur non fit*." Poetry and law are wide apart; and although the poetic talent may be intuitive there is no reason to suppose that the legal talent is so. Natural ability no doubt is useful in every walk of life, mechanical and professional, but it amounts to very little if it be not developed and expanded by artificial means. In the history of English law you will find that the eminent lawyers of the past and present elevated themselves by means of their untiring zeal in the study and practice of their profession. As a general rule true genius, in any sphere of life, is

"Lawyer," definition of

"Legal mind," what it means

Remarks upon true genius and hard work

but another name for hard work; and of no profession is this more true than the profession of law. Your desire to become a lawyer can only be realized by a thorough consciousness of this fact. My first advice, therefore, is that you enter upon your calling with a fixed determination to stand hard work. Without hard work there can be no success.

Law Offices

If it be in your power to do so I would recommend you to enter into a well established office wherein the practice is of a general nature. In these days a lawyer requires to have a knowledge of all branches of legal work. Very few men can hope to succeed by specialty work in a new country such as ours. Choose an office, therefore, in which there is a steady practice going on in the Common Law and Equity Courts.

Choice of an office

Having entered a suitable office, your next object should be to make yourself useful in the business as soon as possible. Of course for the first year or so you cannot expect to go beyond routine, but even in this you will find always something to learn.

How to commence work

Let your aim be to acquire a proper method in your performance of office duties. After you have emerged from mere routine to work of a higher nature your purpose should be to take upon yourself as much of the responsibility of the office as your position will admit. By being thus thrown more and more upon your own resources any latent powers you have will be developed and you will at the same time school yourself in that discipline of self-reliance without which you cannot hope to face the duties of an active professional life. Now, you must begin your study of your profession on the very first day you enter an office. Everything will be vague and difficult at first, but you must study the business right from the beginning of your articles. A practical knowledge cannot be obtained from books alone nor yet without books. The application of principles can only be learned in actual practice. Your endeavor, therefore, should be to apply your reading to the business which you will see going on in the office. *Connect your reading with the practice in the office.* This is the golden rule for gain-

Golden rule for learning the profession of law

ing a practical knowledge of your profession, and in my opinion, it is almost impossible to overrate its importance. If the practice be in equity or common law litigation, strive to understand the principles which govern these matters by reference to your equity or common law text books. So with regard to conveyancing and actions to try a right to land, let your aim be to understand these things by the light of your reading in real property law. You will, of course, find it difficult to do so with any marked success at first. The practice may be above your reading at the time, but this should not deter you from getting at the bottom of as many points as you can.

The simplest transaction that takes place in the office practice has some object and should put you upon enquiry. If you are only transcribing a deed or lease of land it is of importance that you strive to comprehend its legal effect. The words of conveyance—the different recitals or premises—the clauses and conditions—their use and signification—all these afford matters of intelligent study to the student who would master his profession. So in the conduct or defence of an action it becomes your duty to understand why the pleadings are drawn thus—why the suit is thus prosecuted and thus defended—why this or that form of procedure should be adopted. Do not attempt, however, to grasp at the full knowledge of each of these matters as it arises—that were impossible—but endeavor to master as much as possible under the circumstances. By so doing you will be daily adding to your stock of practical knowledge, and after a time you will be surprised to note the clearness with which you can comprehend what was, in the beginning, of a difficult aspect.

Studies

As to your course of reading I may say that the list of books framed from time to time for the examinations at Osgoode Hall, furnishes the names of the works which are calculated to convey a fair elementary knowledge of our law. There are no useless books on the curriculum—they all contain useful information for the student. But apart from your examination studies I would advise you to read from time to time as many works of the leading text writers as your time will permit. I cannot too strongly recommend to you to study thoroughly *Blackstone's Commentaries on the Laws of England*, and *Story's Treatise on Equity Jurisprudence*. These books should be taken up by every student at the very beginning of his studies, and should be read and re-read until the main principles are thoroughly mastered. I tell you, sir, that you never can know *Blackstone* or *Story* too well. Many propositions and doctrines contained in the commentaries have no doubt been discarded, or overruled, or altered by legislation, but in the main Blackstone's law is in full force and vigor. As to the *Treatise on Equity Jurisprudence*, you can safely adopt almost every principle laid down by Judge Story in his admirable work. There has been practically hardly any judicial or legislative alteration made regarding the doctrines of equity as expounded by the great American jurist. When you have read the commentaries and the equity treatise, you will have obtained a comprehensive survey of our whole jurisprudence. These works practically cover the whole domain of English law. Besides these I would also recommend you to read the annotated editions of *Smith's Leading Common Law Cases*, and *Tudor's Leading Cases in Real Property*. This reading properly belongs to your final year, and if pursued attentively, will serve as a

Course of studies
Examination books

Other reading
Blackstone and Story

Smith and Tudor's Leading Cases

sort of relaxation from your examination work. The leading cases will not only instruct you as to the fundamental principles of the law, but the reading of them will educate you in the art of tracing legal distinctions, and thus prepare you to take part in the debates incident to your profession.

How to Read Law Books

As to the method to be pursued in your reading I have a few observations to make. I would advise you to read each text book for the first time without taking notes. The first reading should be employed in gaining a general notion of the subject and of its branches. And when you read your book the second time you will understand its scheme or plan, and thus be enabled to study in an intelligent manner. In your second reading take very full notes of everything that you understand. In regard to definitions they should be copied verbatim. Take for instance the definitions of "rent," "promissory note," and "deed." These are generally expressed so clearly and concisely by the text writers that it is better to adopt them verbatim than to express them by any other form of words. They should not only be accurately copied, but they should be committed to memory. But, excepting definitions, your notes of your reading should be in your own language. It is not useful to transcribe from the book. Do not, then, be a mere copyist as regards note taking. Express the different points concisely in your own words, and the very effort of doing this will test your knowledge of the various matters and fix them on your memory.

Some students prefer to dispense with notes and consider that the memory is better exercised when the studies are thrown entirely upon it by the reading alone; but this is a mistaken notion. The practice of taking notes is useful, because the impression by writing added to the impression by reading is sure to fix the subject matter on the mind in an enduring manner. And when I speak of note taking, I refer to its being done with this enduring retention in view. You will find it an interesting and profitable exercise to attempt, now and then, to write a summary of a few hours'

How to read law books

Taking notes

Legal definitions to be studied verbatim

Exercises

reading, after closing your book. By so doing you will test your powers of memory and your ability to digest what you read.

You will have noticed that I recommended you to *take notes only of what you understand* in your reading. This qualification is most important. You must of necessity from time to time meet with many things in your studies above your immediate comprehension. Now as to these matters you should rest content with the reading, and refrain from note taking, and the reason I say this is because I think it is much more desirable that you should have no impression at all on a given point than run the risk of receiving a wrong impression. In law it is better to have no idea than to have a false idea. Experience will teach you the force of this.

Rules of Logic

Let me caution you, my dear Coke-upon-Littleton, against looking invariably for logical sequence in our law. There can be no doubt that the art of logic is of much help in a general way, but you will be led into many doubts and difficulties if you seek for the logical element in all conclusions at which you arrive in your reading. A student just fresh from his academic course is too apt to expect a logical exactness and a mathematical precision which our jurisprudence does not afford.

The English law is a compound law, pretty much as the English language is a compound language; and it presents many anomalies and incongruities. It lacks the coherence and harmony which are to be observed in the Civil law, but at the same time the English law presents many beauties not to be observed in any of the continental systems of jurisprudence. But logic is not one of the characteristic beauties of British law, whatever other particular charms it may boast. Do not, my dear friend, attempt to test every principle by the ordinary rules of reasoning. A conclusion may be perfectly legal and yet not be perfectly logical. In other words, what is very bad logic may be very good law. Remember this.

You must guard yourself, moreover, against assuming that a conclusion must be wrong because it involves a paradox. Quite recently in England a learned Chancery Judge, in arriving at a decision upon the construction of a will, held that the testator's daughter would be entitled to a certain fund absolutely *if she should die* without leaving issue. It being elementary common sense that a dead person can take nothing and can inherit nothing, you might naturally suppose that the testator's daughter could not, by dissolution, better her circumstances in this world. But it

Rules of logic not always applicable

Paradoxical propositions

seems that on some occasions it may be otherwise. If the Judge were Irish we should call this decision "an Irish bull;" but being an Englishman, we call it "a paradox."

Never allow yourself to fall into the error of supposing that a particular point of law has been more or less force in proportion to your ability to understand its origin. There are very many propositions in our jurisprudence which it would be difficult to find a reason for, but which nevertheless are fully as binding as those the origin of which is quite clear. Now when you come upon conundrums of this nature, my advice to you is this: When once you have satisfied yourself that you understand the legal effect of given propositions, you can generally rest satisfied and not overtax your mind with burdensome enquiries into the reason of them. Just take them as they are and waste no time over them.

I would also have you guard yourself against confounding the illustration of a principle, with the principle itself; many students take the illustration literally instead of looking at the principle involved. A condition, which declares that in case a devisee marry a Scotchman her estate shall pass over to another person, is perfectly good, according to decided cases. But you are not therefore to assume that our law discriminates against Scotchmen. In this country a Scotchman has the same rights as any other man provided he behave himself.

Obscure points from the instance

Difficulties in Reading

As to the difficulties you will meet in your studies, you must always remember that your profession is by no means an easy one to master even in theory. When you are in doubt as to the meaning of a particular passage the best way is to consult some legal friend. In nine cases out of ten this is much more satisfactory, than to strive to clear up the difficulty by your own effort. In any event, I would advise you not to strive to master each page or chapter of your book as a *sine qua non* to your going on to the page or chapter which follows. It is often impossible to do so. If, after giving a reasonable amount of attention to the matter in hand, you still fail to understand it then, I say, *pass it by* for the time being, and proceed to what follows. It is much better to allow the page or chapter to rest for the present than to waste valuable hours in trying to decipher its meaning. The time is generally much better employed in going forward, and generally the subject is cleared up and explained by the subsequent reading. It is also a very wise thing to refer to the authority which is cited in support of an obscure passage. By doing this all vagueness in the text may be cleared up. In the more elementary works, designed for the use of students, a great many propositions must necessarily be compressed within a narrow compass; and the law is therefore often laid down in such general terms or in so concise a manner that it must be often difficult to comprehend it. But all text books of English law, howsoever elementary they may be, contain a reference to authority in support of every main position. You will be referred to some other text writer or to some decided case. Upon consulting that particular text writer his language on the particular matter may be so perspicuous that your doubt is at once removed. Or per-

Difficulties in reading, how to overcome

haps by referring to the report of the decided case in point you may find that it contains a plain exposition of the question which was in doubt, and it may so illustrate the same by its particular circumstances as to impress its principle upon your memory in a lasting manner. As a general rule the average text book is merely a well arranged digest of cases or a compendium of principles derived thence, the full meaning and effect of which cannot be seen without referring to their originals.

Every text book should be read thoroughly. No superficial reading will avail. Aim at acquiring a knowledge of the subjects more with a view of adding to your stock of law for use in after professional life than for the purpose of a mere temporary success in your examination. Read every book therefore with the primary object of qualifying yourself to perform the duties required in your profession. Your success at the Osgoode Hall examinations should be considered secondary. If you consider the matter rightly you will treat your studies up to your final examination, as merely preliminary to the real study of your profession. Until you enter upon the actual duties of your professional life on your own responsibility, you cannot expect to have implicit confidence in your knowledge. A really solid acquaintance with the law is only acquired from actual experience in the conduct of a law office. It is then that the theories you have studied are developed, and the *real* study of the law is proceeded with. Let the success which attends you upon your examinations at the Hall be brilliant, but that which you achieve afterwards in actual practice will altogether depend on the completeness and thoroughness with which you retain what you have studied, and upon your ability to apply that knowledge in a practical way to every day concerns.

Primary object to be kept in view

Professional success, upon what it depends

“Practice” Law

Let me impress upon you the importance of your acquiring a thorough knowledge of the law relating to procedure, familiarly known as “practice” law. Most of law students underrate its value. Do not fall into this mistake. No lawyer can reasonably expect to make progress in his business until he has made himself familiar with this branch of learning. Therefore I advise you to begin right from the beginning of your studentship and keep right on to the end studying the rules of procedure contemporaneously with your other studies. Sometimes a knowledge of a point of mere practice becomes of great moment to the practitioner. For instance, the question of trial by jury or without a jury, is often settled by mere practice rules. Yet the appropriate tribunal for the trial of a particular case is a matter of substantial importance. Then again, as regards the question of costs, the solicitor who is ignorant of practice law must always be at a disadvantage in conducting his proceedings, because the expense of every slip he makes will generally be saddled upon himself or upon his client. Many similar illustrations could be furnished to shew you how advisable it is for you to study procedure. Make the same effort to acquire a knowledge of practice law as you would make in the study of the other branches. Take notes of every new point as it arises. Keep a special book for that purpose.

The art of drawing pleadings is one in which every good lawyer should be proficient, though I regret to say that it seems in a fair way of becoming one of the lost arts. The rules of pleading under the Judicature Acts have done away with almost all technicalities of *form* belonging to the old procedure, but the *substance* of pleading remains exactly as it was before the Acts. After you begin to

“Practice” law, importance of

How to learn

Pleading

fairly understand general principles, say in your third year, you should try your hand at drafting. Of course, your first attempts will be rather crude and demurrable, but you will improve by degrees in proportion to your practice. To be a good draughtsman you must first be a good lawyer; and therefore you cannot hope to master the art during your term of office service. Until you know the law from practical experience, and not merely from books, you cannot have full confidence in your ability as a pleader. The grand and fundamental rule for pleading as well as advising is, "*First learn the facts, then apply the law.*" But unless you have a good knowledge of law it will be almost impossible to make a useful enquiry into the facts. Although you cannot expect, therefore, to become an expert draughtsman as regards the substance of your pleading until after considerable experience and practice, you should in the meantime perfect yourself in the accomplishment of being able to state your case concisely and with clearness.

*Fundamental rule of advising
and pleading*

Court Sittings

You will derive great advantage from attending the trial sittings of the High Courts. But to derive instruction, you must endeavour to follow the proceedings intelligently. Try and understand the issues in each case. No doubt you will be in a labyrinth at first, but by perseverance you will extricate yourself from your doubts and difficulties accordingly as you progress in your knowledge of law and practice. Your great aim should be to apply your knowledge as far as it extends, to the matter in hand. Your interest in each case that comes up for trial, must depend on how far you understand the exact questions in controversy. A practical acquaintance with the proceedings in the trial of civil or criminal cases cannot be acquired from reading; you must study from real life how the great business of the administration of the law is conducted. A very important branch of English law is that which concerns the subject of Evidence. When you are studying the rules relating to this subject, you must endeavour to study how they are applied from time to time during the trial of a cause in open Court. When you are sufficiently advanced to properly appreciate the laws of Evidence, you will find the subject to be one of the most entertaining branches of our Jurisprudence, and whether these rules concern procedure merely, or substantial law, they should be thoroughly mastered by every student who has ambition to become a lawyer. The onus of proof—the right of reply—the admissibility of a document—these may be small matters in themselves, but very often the loss or gain of a case may turn upon them. But over and above all things, the chief thing you should learn from the trial courts is the method of conducting a case. This involves principally the proper examination and cross examination of wit-

Attending Court Sittings

How to study trial procedure

Laws of Evidence, how acquired

Conducting a case

nesses. You must possess or acquire a fair quantum of that desirable commodity popularly called "common sense"—and you must also study human nature. Common sense and human nature are just as essential as legal knowledge to the skilful examiner. Many a poor case is gained by the art of the advocate in presenting it. On the other hand, many a strong case is lost owing to bad management.

Rules of Construction

I have already warned you of the danger of always applying the rules of logic in reaching legal conclusions, but I think it incumbent on me to point out to you, in an especial manner, that there is no part of our law to which that caution can be more Wholesomely applied than that portion which treats of the canons of interpretation of documents and statutes. These are called “Rules of Construction,” and their object is to clear away any ambiguity that may appear on the face of an instrument or statute. Many attempts have been made by very learned writers to reduce the art of interpretation to an exact science by means of set maxims, doctrines and canons. But beyond exhibiting the ingenuity of their authors, these attempts have for the most part failed in achieving any practical fulfilment. The Rules of Construction have become so flexible and variable in the hands of modern English Judges, that it is almost impossible to state, in these days, their correct limits or application. The “Golden Rule of Construction” enjoins an interpretation *according to the plain meaning of words*, in the absence of clear indication to the contrary. Yet this rule has been so battered about and shaken up of late years, that I fear Baron Parke would not recognize it now if he were in the flesh. Its reputation is shady—therefore do not make too familiar with it or you may get into trouble.

Let me illustrate. You would never suppose the word “money” could be said to be ambiguous. It would strike the vast majority of the unlearned that there is scarcely a word in the language more plain than this. “Money” is understood to mean actual cash or currency which passes from hand to hand. Well, suppose Mr. Jones wills the money of which he is possessed to Smith

*Ordinary Rules of Construction
to be avoided*

“Golden” Rule remarked upon

Illustrations

for life and afterwards to his children. What passes by the will? By applying the Golden Rule, you come to the conclusion that all Jones' money goes over? My dear friend, you were never more mistaken in your life! If Jones owned leasehold estates, or household furniture and effects, these also would pass by the bequest which was made. A leasehold estate is not a thing that a man carries around with him as a medium of exchange; neither does a drawing room sett pass from hand to hand as currency, as a general rule; yet these things are "money" in the eye of the law for the purposes of Jones' will.

Let me further illustrate. Suppose I let you a house on the agreement that you shall not use the same as a public house, tavern, or beershop; if you afterwards take a grocer's license to sell beer to be drunk off the premises, you become thereby guilty of a breach of your contract. On the other hand, suppose I let you a house on the agreement that you shall not use the same as a public house, tavern or beerhouse; if you afterwards take a grocer's license to sell beer to be drunk off the premises, you would not thereby become guilty of any breach whatever. Perhaps you don't quite see the line of demarcation? Well, it is just this: in the former case the governing word is *beershop*, and in the latter it is *beerhouse*. The light does not yet break in upon you? Really, I regret I cannot illuminate. Until you possess a "legal mind" of sufficient power to grasp the mighty distinction between Tweedledum and Tweedledee, you must remain in outer darkness.

Interpretation of Statutes

And if it can be truly said that the generally known Rules of Construction are uncertain guides in ascertaining the meaning of ordinary documents, it can also be correctly affirmed that they are still more unreliable when employed in the interpretation of the statute book. Take for instance the rule that "a statute which reforms the law should be so construed as to repress the former mischief and to advance the remedy." This seems quite lucid. But each Court and perhaps each Judge that interprets the new legislation may differ from the other, both as to the mischief that was and as to the remedy that is to be. So, here, this very plain canon of interpretation amounts to nothing in practice; or rather it is, in its result, somewhat like that one of toss up which a late eminent master of the Rolls used to call "the rule of thumb."

On questions of our constitutional law I would be glad to be able to say that I could refer you to some authoritative tribunal whence you would learn the general principles upon which the British North America Act is based. The Judicial Committee of the English Privy Council is our Court of ultimate resort, and you would therefore suppose that it was also the Court of best resort; but it is often far otherwise. The great constitutional questions agitated in this country are generally questions as to the relative jurisdictions of the Federal Parliament and Local Legislatures under our great charter of confederation. But neither by applying the Rules of Construction, nor by using the elements of Whately or Locke, can you hope for enlightenment from the decisions of the judicial committee as to the general interpretation of the British North America Act. Say, for instance, this tribunal decides that a certain subject of legislation appertains to the Federal Parliament.

Interpretation of Statutes

*Canadian Constitutional Law
and the Privy Council*

Well, by the time you have this point well settled in your mind, you will be surprised with a later judicial expoundment by which the lawyers of the Privy Council affirm that in another *aspect* that same subject of legislation appertains to the Local Legislatures. And your beacon-light for the future will be some such practical rule as this: "Subjects which in one aspect belong to one jurisdiction may in another aspect belong to another jurisdiction."¹ So that, in the end, you will gain the important information that *the true solution of these vexed questions all depends upon the way they are looked at.*

Now, my young friend, I think I have shewn you the dangers to be guarded against. Let me give you one supreme canon of interpretation which you can substitute for all those which are in the books: *When called upon to construe any document or statute, just do the best you can to find the meaning, without the aid of any rules whatever.* By so doing you will probably hit bull's eye five times out of ten; which is fair average shooting. Whereas if you try to steady your aim by means of any maxims or rules, the odds will be ten to one that you miss the target.

Suggested new Rule of Construction

¹ The rule seems rather indefinite, but even in the House of Lords now and then you will find the law laid down on rather wide lines. In a recent celebrated case involving the question as to a wife's power to pledge her husband's credit for articles of millinery supplied by a tradesman, the learned Lord Chancellor in the course of his judgment held that "the question, whether as a matter of fact, the husband has given authority to the wife, *must be examined upon the whole circumstances of the case.*" That proposition certainly was sound, but surely one need not go to the House of Lords to learn that a question of *fact* has to be decided upon the circumstances of the case.

Conclusion

My dear Coke-upon-Littleton, when you have passed your final law examination do not forthwith imagine that you have a special mission to teach law to the Judges upon the Bench. Now and then, perhaps, the Judges may require to be enlightened by the Junior Bar upon the more abstruse branches of our jurisprudence, but as a general rule they do not need such assistance. Let me advise you to shew becoming deference to the Court at all times. When you happen to differ in opinion from the Judge do not be carried away with the notion that you must be right and the Judge must be wrong. The balance of probabilities, as between the Junior Bar and the Bench, is generally in favour of the Bench.

I cannot conclude my correspondence with you without making a few observations as to the conduct you should pursue in practising your profession. In the first place you must not forget that the duties of your position are exacting. *You are to manage all matters entrusted to your care with reasonable skill, and, therefore, you should make a rule of studying each case thoroughly to the extent of your abilities.* Unless you do so, you cannot hope for success.

Be faithful to your client in all things, and never let his confidence in you be misplaced. Identify yourself with him, in every proceeding you follow in his behalf. *Keep your client's secrets with fidelity.*

Be always alive to the personal responsibility which is cast upon you by your membership in the great profession to which you belong. Many well minded men fall into a certain obtuse method of reasoning by which they argue themselves into the belief that a lawyer is a mere instrument to execute the will of his client, and is therefore without personal responsibility. This is a

The Junior Bar and the Bench

Rules of professional conduct

viciously false notion. In a certain sense the lawyer is an agent, but he is much more. He is the counsellor and friend of his client and is bound to advise him according to his own conscience, not according to the conscience of his client.

As a corollary of the above it follows that you are not justified in permitting any man to involve your good name in any professional dealings of which, if they were your own personal affairs, you would have reason to be ashamed.

Therefore, *beware of becoming the adviser or participator in fraudulent proceedings of any kind*. You will in the course of your practice be often beset with persons who desire to make fraudulent or colourable assignments or to give preferences against their property to the damage of their creditors. When you discover any such intention, you should at once decline the business.

The writer once became carelessly mixed up in a transaction which was impeached in Court, and were it not for his inexperience and also the fatherly indulgence of the eminent Judge who tried the case, your correspondent would, no doubt, have been reprov'd for conduct of which he had reason to be ashamed. I mention this circumstance that it may serve to impress my words upon your mind. Therefore, I repeat, *never counsel or assist your client in doing anything of which you would personally not approve*. Let this rule be inflexible.

In the next place, let me impress upon you that although you are a lawyer, *you should always discourage litigation except where it is necessary to protect your client's reasonable rights*. No honest lawyer should advise his client to go to law if this can be avoided by equitable terms from his opponent. *In all cases be ready to propose or accede to a fair settlement whenever the same be practicable*. Apply this rule especially in family disputes which above all others are at all times proper subjects of compromise.

Never allow any man to make use of you as a means of gratifying his malice against his neighbour. No doubt your legitimate duties will often require you to be exacting against your adversary, but you are never bound to protect your client's rights beyond reasonable bounds. Therefore, *if your client be inclined not merely to protect himself but to oppress his opponent, you should feel yourself bound to retire from his proceedings*.

In conclusion let me recommend to you, as a grand abridgment of all maxims of conduct, the golden rule of Davy Crockett which, while it is of universal application, is specially appropriate as the motto of the lawyer:—"Be sure you are right; then go ahead."

Lawyer's motto

If you be studious, attentive, persevering, honorable towards your clients and faithful to yourself, you will achieve success. If you be otherwise, you will achieve otherwise.

Concluding advice

Believe me, dear Coke-upon-Littleton,
Yours sincere friend,
JUNIUS JESSEL BURKE.

Beaconsfield Cliffe, February, A.D., 1887.