

THE
IMPORTANCE OF RELIGION
TO THE
LEGAL PROFESSION:

WITH SOME REMARKS ON THE CHARACTER

OF THE LATE

CHARLES CHAUNCEY, Esq.

A DISCOURSE DELIVERED ON SUNDAY EVENING, SEPTEMBER 30TH, AND
REPEATED ON SUNDAY EVENING, OCTOBER 14TH, 1849, IN THE
TENTH PRESBYTERIAN CHURCH, PHILADELPHIA.

By HENRY A. BOARDMAN, D. D.

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1849.



PHILADELPHIA, October 15, 1849.

Rev. and Dear Sir:

In pursuance of the intimation contained in our note of the first instant, the undersigned, members of your congregation, now ask the favour of a copy of the discourse repeated by you at our request and that of other gentlemen of the profession, on the fourteenth instant, for publication.

The name of CHARLES CHAUNCEY, so happily introduced by you in illustration of the great leading object of your discourse, belongs to the whole community, as well as to the legal profession. His great virtues and rare endowments—his talents, learning, and practical benevolence—guided withal by “that wisdom which cometh from above,” cannot be too often, nor too widely commemorated.

With a strong desire to cultivate the sentiments of your excellent discourse,
We subscribe ourselves, your friends and servants,

R. C. GRIER.	CHAS. B. PENROSE.
JOHN K. FINDLAY.	JAMES ROSS SNOWDEN.
W. H. DILLINGHAM.	CHARLES GILPIN.
JOHN R. VOGDES.	WM. A. PORTER.
SAMUEL HOOD.	E. SPENCER MILLER.
W. B. HIESKELL.	EDW. ARMSTRONG.

To the Rev. Dr. Henry A. Boardman.

PHILADELPHIA, October 15th, 1849.

Rev. and Dear Sir:

The undersigned, several of whom united with the Gentlemen of the Bar of your own congregation in the expression of a wish that you should repeat your able and eloquent discourse upon the importance of religion to the legal profession, now, with equal pleasure, join them in asking for its publication. We listened with great satisfaction to your graphic description of the character of the late CHARLES CHAUNCEY, Esq., universally and justly regarded as one of the brightest ornaments of the profession. The whole discourse might well be characterized as one of the happiest efforts of clerical eloquence. We regard it as calculated to do great good, and shall be happy to see it widely disseminated.

We are, very respectfully and faithfully, yours,

ED. E. LAW.	J. R. INGERSOLL.
JOEL JONES.	H. J. WILLIAMS.
JAMES DUNDAS.	WM. E. WHITMAN.
FERDINAND W. HUBBELL.	GEO. EMLÉN.
B. GERHARD.	CH. GIBBONS.
SAMUEL H. PERKINS.	GARRICK MALLERY.
EDWARD HOPPER.	DAVID PAUL BROWN.

To the Rev. Dr. Boardman.

PHILADELPHIA, October 19th, 1849.

Gentlemen:

I am quite sensible that the interest excited by the discourse which you have done me the honour to request for publication, must be ascribed mainly to the subject and the occasion. The discourse was prepared from a conviction, that the death of that eminent and excellent man whom an all-wise Providence has lately taken from us, afforded a suitable opportunity for inculcating, especially upon the Legal Profession, the virtues which were so happily illustrated in his life. That this humble attempt to improve a bereavement which affects our "whole community," should have met with the approval of a body of gentlemen so honourably representing both the Bench and the Bar, is extremely gratifying to my feelings. I cannot refuse a request emanating from such a source, and herewith submit the manuscript to your disposal.

I am, Gentlemen, with great regard, your friend,

H. A. BOARDMAN.

To the Hon. R. C. Grier, Hon. John K. Findlay,
Hon. Joel Jones, and Edw. E. Law, Joseph R.
Ingersoll, H. J. Williams, James Dundas, Ferdin-
and W. Hubbell, B. Gerhard, Samuel H. Perkins,
Wm. E. Whitman, George Emlen, Ch. Gibbons,
Garrick Mallery, Edward Hopper, David Paul
Brown, Wm. H. Dillingham, John R. Vogdes,
Charles B. Penrose, James Ross Snowden, Charles
Gilpin, Wm. A. Porter, Samuel Hood, E. Spen-
cer Miller, William B. Hieskell, Edward Arm-
strong, Esquires.

DISCOURSE.

MARK THE PERFECT MAN, AND BEHOLD THE UPRIGHT: FOR THE END OF THAT
MAN IS PEACE.—Psalm xxxvii. 37.

WE read in the Gospel of Luke, that, on a certain occasion, a lawyer stood up and “tempted” our Saviour, saying, “Master, what shall I do to inherit eternal life?” It was a good question, though prompted by a bad motive—a question every way to be commended, whether we regard the subject to which it relates, the Being to whom it was addressed, or the individual who propounded it. It were a waste of words to undertake to prove that it must be to every individual the most momentous of all questions. And just in proportion to the gravity of the question, is it of importance that we should look well to whom we apply for an answer. For the answers it has received, and is daily receiving, are extremely various and contradictory; and if we happen to be misled, the consequences must be disastrous, and may be irretrievable. This lawyer set us a wholesome example, not, indeed, in respect to the spirit which suggested his inquiry, but in respect to the source at which he sought information. He alone who has salvation to bestow, can teach us how it is to be obtained. If we

rely upon a teacher of philosophy, or a teacher of religion, however learned and exemplary, we may fall into error; if we follow implicitly the utterances of this or that sect, or venture to lean upon what we believe to be "the Church," as an infallible guide, we may possibly rest our hopes for eternity upon a foundation as truly foreign from the real foundation, as Platonism or Buddhism is from Christianity. Life and immortality have been brought to light in the gospel: and the gospel is the only chart which can conduct us to heaven. He who takes up with any other teacher than Christ, may expect to come short of eternal life.

It is not to be overlooked that the person who put this question to the Saviour was a lawyer. We know nothing of his character beyond what is revealed in the brief account of this transaction; and he is exhibited to us here in no very prepossessing aspect. Arguing from this interview, we do him no injustice in supposing that he was a man too much immersed in the cares and conflicts of the world, to have given much attention to the claims of spiritual religion. A Pharisee he might have been, and a zealous devotee in his way, but he was manifestly a stranger to genuine piety. It had been well for him, befitting both himself and his calling, had he asked in sober earnest, as he asked in subtlety, "Master, what shall I do to inherit eternal life?"

Nor let it be deemed invidious if the remark is made, that this duty is no less incumbent upon every lawyer. I say this, not to disparage but to honour the profession. There are cogent reasons, aside from those of a private or personal nature common to the members of the legal pro-

fession with all other persons, why they should be men of Christian integrity and purity—WHY THE PROFESSION, AS A BODY, SHOULD BE PERVADED WITH A SOUND RELIGIOUS SENTIMENT. 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, 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 community 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 honourable and opulent merchants, among the ministers of religion, among the able and upright jurists who preside over your own courts—nay, not one among these refined and gentle females, our mothers, wives, and daughters, who make our homes the purest and the happiest homes on earth, 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 firesides, 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 depository 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?

Let us look at the profession in another aspect. The Bar must always, in a country like ours, be the chief avenue to civil distinction—the main road to posts of emolument and power. As such, it will embrace a large proportion of the educated and able men of the Union; and the influence of such a body must necessarily be very great, irrespective of their strictly professional functions. How much, then, must this influence be augmented, when it is considered that they exert an immediate and powerful agency in moulding the popular will. They are usually the leaders in the collisions of parties, and the chief speakers even in the primary assemblies of the people. They fill the principal offices. They direct our legislation, and make the laws which it devolves upon them to administer. They shape our policy, domestic and foreign. They control our intercourse with other countries; and do more than any other class among us, to decide the relative position we are to occupy among the nations of the earth. Not to expatiate on these topics, the bare hint of them must suffice to show, that every citizen is implicated in the character of the Bar; and that a profession clothed with so lofty a mission, needs, both for its own sake and for the sake of the country, to be pervaded with a wholesome religious sentiment. Piety alone will not, it is true, fit men to become jurists, diplomatists, or legislators. But piety is the basis of good morals. It makes men conscientious. It stimulates them to acquire the qualifications demanded by the stations 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, if the expression may be pardoned, far more auspiciously than it does now, upon the leading interests of the 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 through all the frame-work of society, in extinguishing vice, alleviating misery, fostering education, and consolidating the institutions of Christianity.

Even if the members of the Bar, then, could dispense with religion as a personal concern, the just claims of the country upon the profession, would forbid them to slight its obligations.

But they cannot well dispense with it as a personal concern. Christianity challenges their homage, not only as revealing to them the way of salvation, but as supplying the most valuable aids in the practice of their profession. Let us dwell for a few moments on this topic.

A very little consideration will suffice to show that an intelligent, scriptural faith, must be of great assistance in forming a just estimate of the nature and objects of the legal profession. How grossly these are misconceived, not only by many of the populace, but by no^t inconsiderable number of those who write themselves “Attorney and

* Burke on the French Revolution.

Counsellor," must be but too well known to every respectable member of the profession. In the judgment of these persons, the law is not a science, but a trade—not a trade even, but a system of trickery. They come to the Bar as a gambler to his club, to be honest where it is politic to be honest, and to practice fraud and chicanery where chicanery and fraud promise larger gains. They see nothing in a law-suit but a private dispute or quarrel, a sort of pugilistic encounter, in which it is all one to the community who beats and who is beaten. Their grovelling minds cannot expand sufficiently to take in the idea that the processes going on before their eyes in the courts, are processes in which we, who seldom or never enter a court-room, have an interest second only, and in some instances not second, to that of the parties litigant; that a claim for the worth of a lamb, or a case of assault and battery between two inebriates, may fairly "bristle with points of law—law that is involved in a large proportion of the common transactions of life;" that the dollars and cents involved in any suit, though amounting to millions of money, are of as little relative value when compared with the principles at issue, as was the tea thrown overboard in Boston harbour, when weighed against the emancipation of a great nation. To all this, the reckless pettifoggers of the profession are blind. But there can be no occasion to remind *you*—and if there were, it would not be decorous in the speaker to become your mentor—that "the science of Jurisprudence, the pride of the human intellect, with all its defects, redundancies and errors, is the collected reason of ages, combining the principles of original justice with the infinite variety of

human concerns.”* You have not to learn that next to the influence of the gospel, it is the presence and pervading power of LAW which distinguishes free from despotic governments, Christian from Pagan nations—that to annihilate law, is to extinguish all incentive to industry, and all motive to honourable ambition—that where there is no law, science will languish and the arts decay; factories will be closed, commerce will dismantle her ships, capital will hide itself, credit, and all that is built upon it, will die, confidence between man and man will be destroyed; and in place of thrift and comfort, there will be universal suspicion and distrust, violence and misery.

These views are familiar to you. In so far as they go, they are right views. And while they may undoubtedly be entertained and acted upon by individuals who are not under the control of religious principle, it is no less obvious that they are the views which a Christian lawyer *must* take of his profession. It is the uniform and necessary tendency of Christianity to expand and liberalize the mind, while it informs the conscience. It is the essential habit of men who live under its influence, to connect all themes, all interests, all pursuits, with the great First Cause. And such men, when called to the Bar, must belie every principle of their new nature, if, instead of framing a comprehensive and dignified estimate of the profession, they dwarf it down into a system of legerdemain, or an arena for gladiatorial shows.

It would not be easy to exaggerate the value of personal religion in the actual practice of your profession. Whether

* Mr. Burke.

regard be had to its temptations, its trials, or its duties, to the dangers to be shunned or the difficulties to be met; in every view, religion must be considered as of the last importance. It will not, it is true, supply the absence of the requisite intellectual furniture; it will neither confer learning, nor genius, nor eloquence. But it will do much to correct the evil tempers, and shield from the temptations, which are so often fatal to the youthful aspirant at the Bar; and to foster those moral qualities and habits on which respectability and success largely depend. Among these qualities are self-control, benevolence, candour, kindness of heart, and a love of truth and justice. That the characters of individuals who make no pretensions to personal religion are sometimes graced with these attributes, is readily conceded; but it is a circumstance too certain and too serious to be overlooked, that a large part of the virtue current in the world, is the virtue rather of education, of habit, of interest, of listless conformity to the prevailing usages of society, than the virtue of principle. Mr. Coleridge has expressed this thought with his customary felicity, in language which, with very little alteration, would be quite as applicable to our country as to England. "It would furnish grounds both for humility towards Providence, and for increased attachment to our country, if each individual could but see and feel how large a part of his innocence he owes to his birth, breeding, and residence in Great Britain. The administration of the laws; the almost continual preaching of moral prudence; the number and respectability of our sects; the pressure of our ranks on each other, with the consequent reserve and watchfulness of

demeanor in the superior ranks and the emulation in the subordinate; the vast depth, expansion, and systematic movements of our trade; and the consequent inter-dependence, the arterial, or nerve-like *net-work* of property, which make every deviation from outward integrity a calculable loss to the individual himself from its mere effects, as obstruction and irregularity; and, lastly, the naturalness of doing as others do: these, and the like influences, peculiar, some in the kind, and all in the degree, to this privileged Island, are the buttresses on which our foundationless well-doing is upheld, even as a house of cards, the architecture of our infancy, in which each is upheld by all.”*

It is in no censorious spirit that the opinion is expressed, that much of the “well-doing” among ourselves rests upon no firmer “buttresses” than these. Better indeed is it for society, far better, that it should be leavened with this dilute and fickle morality, than given up to the sway of rampant wickedness. But few will venture to deny, that the exigencies of our probationary state can be adequately met only by a morality which reposes on the impregnable basis of religion. The vicissitudes of life are too painful, its conflicts too violent, and its seductions too captivating, for unassisted humanity: man must be endowed with a celestial virtue, and sustained by an Almighty arm, if he would “keep himself unspotted from the world,” and live as a rational and immortal being should live. And the duties of an advocate especially involve so constant and so severe a trial of character, that even on the ground of personal reputation and peace of mind, no lawyer should be willing

* Lay Sermon.

to dispense with the invaluable aid which Christianity offers him.

With other men, controversy is an incidental and occasional thing; with you, it is the business of life. Controversy is your vocation; and it is no ordinary degree of watchfulness that can preserve you from forming a petulant or imperious temper, the common vice of controversialists. No less open is the profession to the incursions of jealousy and "lean-faced envy." These twin-vipers haunt every Bar. They insinuate their venom not unfrequently into the most powerful minds; and where they have once secured a domicile, they can be driven out, like other demons, only by prayer and fasting. Is it necessary to observe, that the only effectual antidote to these vagrant tempers is to be found in the Gospel of Christ; and that the shortest and best way to acquire the mastery of one's own spirit—that most rare and difficult achievement—is, to have every power and thought brought into subjection to the will of God?

There is perhaps no sphere 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 chiefly with two classes of persons—the wronged and wrong-doers. And to deal with either, as their confidential adviser, in a perfectly frank, straight-forward, and kind manner, demands a stern and lofty virtue. We know how difficult this is even in private life; and the difficulty must be greatly increased where the parties bear to each other the relation of client

and counsel. Among men who live by the law, who look to it for a 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. For the race described by Addison is not yet extinct—a race of whom he observes, “the law of the land is their gospel, and all their cases of conscience are determined by their attorney.” He adds, in that tone of quiet sarcasm, so peculiar to himself, “As for such as are insensible of the concerns of others, but merely as they affect themselves, these men are to be valued only for their mortality, and as we hope better things from their heirs.”* And this is just the principle which controls the sort of lawyers in question. It is neither the love of justice nor any real regard for their clients, which makes them the ready abettors of litigation. Their employers, in many instances, become their victims, and discover too late the secret of their pretended zeal for their wounded honour or damaged fortunes.

What we require in the legal profession, is, men of principle—men whose rule of conduct shall be, not the conventional code of morals which may happen to have been adopted by their *caste*, but the law of God. The circumstances in which individuals ordinarily come to you, make it a matter of the highest moment, that they should be able

* Spectator, No. 456.

to repose entire confidence in your integrity, your discretion, and I may add, your delicacy of feeling. For what *are* these circumstances? They come to you smarting under real or imaginary wrongs, and burning with resentment—or affrighted at the thought of a prosecution they have incurred by their misconduct. They come to solicit your assistance in despoiling others of their property, or in repelling aggressions upon their own—to ask you, to exhaust the penalties of the law in wringing the “pound of flesh” from an unfortunate debtor—to protect their defenceless and terrified families from the tyranny of the great—to shield them from the tongue of the defamer—to help them in defrauding their creditors, or in garnishing their rent and blasted characters. These, and such as these, are the errands on which men invoke your aid. They come when they are in trouble—in doubt—in danger—when they are doing wrong or suffering wrong—consumed with remorse or on fire with revenge—when they are anxious and excited, and, not seldom, incapable of acting for themselves. What are you to do? Are you to inflame still further their excited feelings by expatiating on their alleged injuries? Are you to pry open the innermost chambers of their agitated bosoms, that you may afterwards use what you have seen there to bend them to your sordid purposes? Are you to join hands with them in their schemes of detraction and dishonesty? Are you with eager haste to assure them that the case admits of no compromise—that the law will award them full redress, and they should be satisfied with nothing less? Are you to bring the cause into court, and employ all the arts of chicanery, such as brow-beating the wit-

nesses, misquoting authorities, perverting the testimony, and appealing to the baser passions or the political prejudices of the jury—to conceal the merits of the question and secure a favourable verdict? This surely is not the treatment your clients have a right to expect from you. The law has made you our advisers. We have no alternative when we are in trouble but to come to you; and if we would perpetrate a wrong under colour of law, we can do it only through your agency. You are bound then—bound not merely by your relations to us, but by your paramount obligations to society—to deal honestly and kindly by us. If you think we are in error in proposing to institute a suit, it is incumbent on you to tell us so. If you believe an equitable compromise can be effected, you should suggest it. If you perceive that we have made no estimate of the contingent consequences of the litigation we demand, you should point them out. Instead of inflaming, you should endeavour to mollify our resentments. Instead of advising us as we may wish to be advised, you should advise us according to the truth and equity of the case. When we repair to you in the first instance, it is as counsellors, not as advocates. And it is none the less your duty to give us faithful counsel, though it may not chime in with our hopes or purposes. If a surgeon orders an amputation where his patient expected a cataplasm, he discharges his conscience whether the patient acquiesces or not. And when we come to you with a question of property, liberty, or life, we have a right to look for the same candour, however we may treat your counsel.

Should you take up the cause, whether on your own con-

viction or from our solicitation, it is no less due to us and to society, that you should conduct it throughout in a fair and honourable manner. It is not meant by this that a lawyer is to assume the functions of a judge, and take both parties under his protection. He stands before the court as the representative of one of the parties, and he is bound to omit no legitimate means which may promise to benefit his client. He may suggest arguments which are not conclusive to his own mind: the court will allow them their due weight. He may seize upon technical informalities in the proceedings of the other side. He may avail himself of all the advantages which the law will allow him for vindicating his client and baffling his opponent. But he may not bring into the conduct of his cause a malicious or vindictive spirit. He may not needlessly blacken the character of the opposing party. He must not impugn the veracity of witnesses, whose only fault has been their modesty or their timidity. He must not seek to carry his cause by misrepresenting the facts, or by poisoning the minds of the court and jury against the antagonist client on personal or party grounds, aside from the merits of the issue on trial. These, and all similar expedients, are incompatible with that integrity which is at once the ornament of the Bar and the safeguard of our rights. And they will disappear just in proportion as our courts become transfused with the purity and benignity which accompany a cordial reception of the gospel.

Occasions not unfrequently arise in the practice of the law, which call for a high degree of *moral courage*. The most ill-assorted parties appear before the tribunals. The

advocate may be called upon to espouse the cause of some obscure woman against the exactions of an opulent landlord. He may be required to enforce the law against an intractable tenant who has sought to elude the payment of his rent by raising the Agrarian cry, and getting others to raise it, of "oppression" and "persecution." It may become his duty to arraign some individual of eminent station, who has depredated upon the public purse, or employed a corporate institution for swindling purposes on a gigantic scale, with the expectation that wealth and family influence would shield him from the legal penalties of his crimes. He may be obliged to undertake the defence of a person who has made himself obnoxious both to the government and the people. The press may with one voice demand his condemnation. The populace, unwilling to await the slow process of a judicial investigation, may be panting to wreak their vengeance upon him. The Bench itself may bend before the whirlwind, and reveal by no ambiguous auguries, its purpose to abandon the victim to his fate. But the law is with him; and the blow which smites him to the earth, will shatter the pillars of the constitution. Shall his counsel desert him? He cannot desert him. His own professional prospects, the very bread which is to keep his family from starvation, may be imperilled with his client; but he cannot give him up. To his eye he is the very impersonation of the law. The office Providence has laid upon him, is not so much the vindication of the prisoner at the bar, as the protection of the State. He stands there, the sponsor of that helpless man, to guard the rights of thousands of citizens who sit quietly by their fire-

sides, anxious only to hear that the jury have convicted him—nay, to defend the liberties of the infuriated multitude who throng the avenues of the court-room, and show by their looks and gestures how bitterly they resent this effort to deprive them of their prey. Whatever may be the consequences to himself, he will not betray his client; and if he could stoop to that meanness, he would still have too much patriotism not to shield him, if possible, from a poignard's thrust, which could not reach him without piercing the vitals of his country.

It would be claiming too much for religion to affirm that this high moral courage can exist only in connexion with personal piety. Examples to the contrary would instantly occur to the minds of my legal auditors. Among these, the name of Lord Erskine would certainly be conspicuous. Every lawyer must be familiar with the maiden speech of this great orator; that speech which brought thirty briefs into his hands before he left Westminster Hall, and which his noble biographer characterizes as “the most wonderful forensic effort” of which there is any account in the British annals. “It was the *début* (he adds) of a barrister just called and wholly unpractised in public speaking—before a court crowded with the men of the greatest distinction, belonging to all parties in the State. He came after four eminent counsel, who might be supposed to have exhausted the subject. He was called to order by a venerable judge, whose word had been law in that Hall above a quarter of a century. His exclamation [when Lord Mansfield told him that Lord Sandwich, whose name he had introduced, ‘was not before the court,’] ‘I

will bring him before the Court,' and the crushing denunciation of Lord Sandwich, in which he was enabled to persevere, from the sympathy of the by-standers, and even of the judges, who in strictness ought again to have checked his irregularity—are as soul-stirring as any thing in this species of eloquence presented to us by ancient or modern times." *

In so far as strictly forensic efforts are concerned, this last remark may be allowed to pass; but Lord Campbell might find examples of still greater intrepidity in a volume with which he must be very conversant. One of these, is the case of the three Jews at the court of Nebuchadnezzar. The king summoned them before him and commanded them to worship the image he had set up, or be cast into a burning fiery furnace. This was a question of life or death; and they must decide it without hope of fame or fortune—without the support derived from the sympathy of a crowded court-room, or the ill-concealed admiration of the Bench itself—from the plaudits of a powerful press or the prospect of professional honours—in a word, without any of those collateral but invaluable aids which sustained Erskine in his sublime effort. And what was their decision? It ran thus, in words of quiet strength and majesty which even at this distance of time cannot be read by any one who is susceptible of admiration, without deep emotion. "O Nebuchadnezzar, we are not careful to answer thee in this matter. If it be so, our God whom we serve is able to deliver us from the burning fiery furnace, and he will deliver us out of thine hand, O king. But if not, be it

* Lord Campbell's Lives of the Lord Chancellors.

known unto thee, O king, that we will not serve thy gods, nor worship the golden image which thou hast set up." (Dan. iii. 16-18.) This was the courage inspired by *faith*. To comment on it, would be but a poor compliment to my hearers.

There is a kindred example in the New Testament—a forensic example—on a theatre no less august in Judea, than the Court of King's Bench is in England. I refer to the speech of the Apostle Peter before the great Sanhedrim, that memorable scene in which the parties exchanged places, and the prisoner, arraigning his judges, brought home to them, in a few words of eloquent and withering rebuke, the most flagrant of all crimes, the murder of their Messiah. (Acts iv. 5-12.) This again was the intrepidity inspired by true religion. For no longer before than the evening prior to the crucifixion, this same Peter, who now stood up before the high priest and rulers of the Jews, and charged them with this atrocious wickedness, had himself denied his Master with cursing and oaths. So mighty was the transformation which the baptism of the Spirit had wrought in this ardent and affectionate but hitherto timid disciple. And a similar change is gradually effected in the characters of all who experience the renewing power of the Holy Spirit. Religion may not at once convert every lion into a lamb, nor every lamb into a lion; but it is the true nurse as well of courage as of meekness. The fear of God is the best antidote to the fear of man. And in proportion as the legal profession becomes pervaded with this principle, will it be adorned with exhibitions of genuine heroism, like those we have been contemplating.

Some allusion has been made to the *temptations* which beset the path of the advocate. The annals of almost every Bar will bear melancholy attestation to the dangers to which the profession is exposed from this source. It would be quite pertinent to the present discussion, to show that religion offers the only effectual shield against these dangers; that a firm faith is the best of all equipments to protect the members of the profession from those enticements to dissipation, and the more subtle enticements to dishonesty, which have proved fatal to so many of their brethren. But I have already trespassed too long upon your patience, and must waive this topic, with several others no less worthy of attention.

My object has been to show the great value of personal religion, its professional value, so to speak, in the practice of the law. It is not denied that examples may be found at the Bar, of eminent moral worth and distinguished success, dissociated from real piety. But 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 the instances occasionally presented, 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.

Such an example of the theme on which we have been meditating, has been before the eyes of the Philadelphia Bar for the last half century. Amidst the tears of the profession and the regrets of this whole community, death has lately set his irreversible seal upon it. The incorruptible virtue, the radiant example, the untarnished fame, of CHARLES CHAUNCEY, have become part of the moral treasure of his country. It is not for me to pronounce his eulogy: that can be done only by one of his peers. But where providence and grace conspire to form a character of so much excellence, it is due no less to the munificent Being who made him what he was, than to the profession he adorned, that some of his moral qualities should be held up, even though in a transient and imperfect way, to the study and imitation of his junior brethren. More than this I shall not attempt to do. I leave it for others to sketch his intellectual attributes and his legal acquirements: my office is to speak of him, and that briefly, as a *Christian*.

The prime quality in Mr. Chauncey's character, was his integrity. This is as much associated with his name, wherever he was known, as justice is with that of Aristides. It is impossible to speak of him without thinking of it; as it was impossible to converse with him without feeling that you had to do with a man of inflexible probity. If there are men who are honest from policy or interest—who are honest in great matters but lax in small matters—whose perceptions of right and wrong are quick and accurate on

questions affecting other people's affairs, but misty and obtuse where self is concerned—he was not one of them. He was upright on principle, and from preference. The love of truth and right was part of his being. He could not have been divested of it without destroying his identity. He carried it, therefore, into every relation and circumstance of life. It controlled his most trivial pecuniary transactions; it presided over every scene of social enjoyment, even those in which he gave full play to his refined and ardent affections; it breathed through every sentence he uttered at the bar, whether in one of those luminous and eloquent arguments with which he often captivated the court and jury, or in those incidental passages between opposing counsel—the by-play of a trial—in which truthful men sometimes exceed the limits of sober verity. His clients knew that the advice he gave them, was given in all sincerity and was designed for their good, however counter it might be to their wishes. The bench and the jury knew that they were listening to a man who was a stranger to deception and finesse—a man who, though liable, like all other men, to err, could not act a part—who, when he spoke, uttered his real convictions, and believed what he was trying to make them believe. There have been lawyers whose professional has been as distinct from their personal character, as the wig and gown of an English barrister from the barrister himself; and courts and juries have instinctively, when they rose to speak, recognized their two-fold nature. But they never mistook Mr. Chauncey for one of this hybrid race. In him the union between the advocate and the man was not, as in the other case, a

mere mechanical conjunction, like that which held together the different parts of Nebuchadnezzar's image, but a chemical combination—an intermixture of the elements of the one with the elements of the other. His speeches, therefore, carried with them all the weight of personal conviction—and that, in the case of a man so eminent as well for his ability and his wisdom as for his integrity, was often more than half the battle.

It were well for the younger men in the profession, to consider the great value of such a reputation for integrity, simply as a means of success. They may gain an occasional triumph by deviating from the line of strict rectitude; and the prospect of winning an important cause, may seduce them into the use of unfair weapons. But a few victories achieved in this way will ruin, or at least seriously injure, them. To a young lawyer, CHARACTER is every thing. It is character, not learning, not astuteness, not eloquence, which is the basis of confidence: and “confidence,” especially the confidence of clients and judges and juries, is “a plant of slow growth.” It is a sensitive plant too: its leaves will begin to curl and wither with the first rude breath of deceit and equivocation. The youthful advocate, flushed with an ill-gotten triumph, little divines what an impression he has made on that stern jurist on the bench, and even upon these emulous associates who throng around him with their congratulations. They may well congratulate a rival whose ovation, like those the Venetians used to accord to their heroes, is the pledge of his early downfall. Let those who stand on the threshold of this noble profession, learn from the example of that eminent man whose

loss we now deplore, that virtue is the highest wisdom—that virtue, especially, which has God for its author and end, the word of God for its rule of duty, and the love of God for its animating principle. In this divine endowment, they may see one of the chief implements of his success. He has vindicated the profession from the vulgar cavil, that no strictly honest man can be a lawyer; and shown that the Bar forms no exception to the rule, that the path of virtue is the path to honour. In some pregnant crisis of your history, when temptation proffers you its golden fruit,

“Fair to the eye, inviting to the taste,”

and you are just saying to yourselves,

——“What hinders then

“To reach, and feed at once both body and mind?”

it may recover you from your perilous position, to recall the name of one who maintained an unspotted reputation amidst the conflicts and enticements of the Bar for upwards of fifty years, and whose pure fame is unsullied by a single mean or dishonourable action.

Mr. Chauncey was no less distinguished for his benevolence than his integrity. I do not allude in this remark merely to the charity which goes out in alms-giving, or in contributions to ecclesiastical and religious objects. This, when prompted by right motives, is a charity of high esteem in the sight of God: indeed, our Saviour teaches us that if we are destitute of it, we may scarcely presume to think we are Christians. But the benevolence of Mr. Chauncey included a great deal more than this. He was essentially an unselfish man. He had a heart as well as a head. And

his heart was large enough to take in some others besides his own family and immediate friends. He was always ready to employ his great powers for the relief of the poor, the injured, the helpless; to extend to them "the charity of time, labour, and attention; the protection of those whose resources are feeble, and the information of those whose knowledge is small." This was so well understood, that there was probably no man in this community who was so much resorted to for counsel. He was so wise, so candid, so kind, and entered so readily into the circumstances and feelings of his clients, that people of all descriptions sought his advice on all sorts of subjects. Who that has entered his ante-room during his office-hours, has not been struck with the variety of characters assembled there to solicit his aid. Distinguished counsellors, young lawyers, and possibly grave judges, with their vexed questions, capitalists seeking investments, embarrassed merchants, guardians perplexed to know what to do with their wards, parents to consult him about their children, widows anxious to secure their little property, together with suitors of various kinds—such were the groups that not unfrequently met at his levees. And they went there because they knew they could confide to him domestic matters which they would scarcely breathe into the ear of another human being; and that when they had stated their case to him, he would give them judicious advice made doubly acceptable by the manner in which it was given. He might, without presumption, have appropriated the language of Job: "When the ear heard me, then it blessed me; and when the eye saw me, it gave witness to me. Because I delivered the poor that cried, and the

fatherless, and him that had none to help him. The blessing of him that was ready to perish came upon me; and I caused the widow's heart to sing for joy. I put on righteousness, and it clothed me: my judgment was as a robe and a diadem. I was eyes to the blind, and feet was I to the lame. I was a father to the poor; and the cause which I knew not I searched out. And I brake the jaws of the wicked, and I plucked the spoil out of his teeth." Among all the monumental memorials which grace our cemeteries, there is not one which might with more propriety receive these words as its epitaph, than the tomb of Charles Chauncey.

Mr. Chauncey's manners, it has been intimated, partook of the kindness of his nature. Instead of that *hauteur* and reserve which great men sometimes assume, and which make them appear greater than they are, like objects seen through a mist, his manners presented a felicitous combination of dignity and ease, with simplicity and benevolence. In this respect, as well as in the genial warmth of his affections and his earnest sympathy with suffering humanity, he closely resembled that illustrious man, Dr. Chalmers. For so free was this great philosopher and divine from ostentation and assumption—so perfectly accessible—so prompt to enter with an unaffected interest into the topics of the passing hour—that his guest might, for the time, almost forget his greatness in his goodness. Am I wrong in the conjecture, that many a man who has hesitatingly approached Mr. Chauncey as a counsellor, has been made to feel during their first interview, that his counsellor was no less his friend? "If a man," says Lord Bacon, "be gracious and

courteous to strangers, it shows he is a citizen of the world, and that his heart is no island cut off from other lands, but a continent that joins to them: if he be compassionate towards the afflictions of others, it shows that his heart is like the noble tree that is wounded itself when it gives the balm: if he easily pardons and remits offences, it shows that his mind is planted above injuries, so that he cannot be shot." These were marked traits in the character of our revered friend. And you will justify me in appropriating to him the beautiful sketch Mr. Addison has drawn of a great light* of the English law. "His life was, in every part of it, set off with that graceful modesty and reserve, which made his virtues more beautiful the more they were cast in such agreeable shades. His great humanity appeared in the minutest circumstances of his conversation. You found it in the benevolence of his aspect, the complacency of his behaviour, and the tone of his voice. His great application to the severer studies of the law had not infected his temper with anything positive or litigious; he did not know what it was to wrangle on indifferent points, to triumph in the superiority of his understanding, or to be supercilious on the side of truth. He joined the greatest delicacy of good breeding, to the greatest strength of reason. By improving the sentiments of a person with whom he conversed, in such particulars as were just, he won him over from those points in which he was mistaken; and had so agreeable a way of conveying knowledge, that whoever conferred with him grew the wiser, without perceiving that he had been instructed. His principles were

* Lord Somers.

founded in reason and supported by virtue, and therefore did not lie at the mercy of ambition, avarice, or resentment.”

It has been intimated that no portraiture would be attempted, in the present service, of Mr. Chauncey's public or private life. I may be allowed to pause for a moment, before concluding this very imperfect notice of some of his prominent virtues, to remark on one or two features of his professional career. He abstained from taking an active part in politics; and with a single exception, that of his consenting to sit as a member of the Convention for revising the Constitution of this State, he uniformly declined public office. It would certainly be unfortunate for the country if all our ablest lawyers should adopt the same line of conduct. But the example may suggest a wholesome lesson to the junior portion of the Bar. No man can expect to become an eminent lawyer, who does not, for at least a score of years or more, confine himself rigidly to his profession. The temptation to embark in politics is very great, especially under a government like ours; and it has proved fatal to the hopes of many a young lawyer of brilliant talents. The rewards of jurisprudence, like the choicest crystals of the Alps, are too remote and too difficult of access, to be secured by any precarious and inconstant exertions. The path which leads to them is narrow and rugged, obstructed with rocks and exposed to avalanches: and he who suffers himself to be intimidated by dangers, or diverted into by-paths in quest of flowers, must make up his mind to relinquish the jewels to his competitors.—This sub-

ject is too large to be discussed here; but I could not refrain from making a brief allusion to it.

The only other topic to which I shall advert in this connection, is, Mr. Chauncey's respect for the Sabbath. To his eye, the Sabbath bore the KING's image and superscription: and he had no sympathy either with the presumption which would seize upon "the Lord's day" and appropriate it to private ends, or with the mock loyalty which glories in rendering to Cæsar the things that are Cæsar's, while it denies to God the things that are God's. Accepting in its just import that much-abused saying of our Saviour's, "the Sabbath was made for man," with his characteristic reverence for law, he studiously consecrated it to the purposes prescribed by its beneficent Donor—to the concerns of the soul, and the sublime realities of the life which awaits us beyond the grave. And to these well-spent Sabbaths we must look for many of the influences which contributed to mould as well his intellectual and social, as his elevated moral character.

The example is instructive. There is no need of assuming—it would be discourteous and unjust to assume—that the Bar stands in special need of admonition on this subject. But neither will it be claimed that the Bar is quite guiltless of that disposition to secularize the first day of the week, which has infected all other professions. The temptation to do this, constitutes, in fact, one of the chief snares to which the members of the profession are exposed. Could the truth be revealed, it might be found that no inconsiderable portion of our able and rising lawyers were more or

less in the habit of appropriating a part of the Sabbath to the study and arrangement of their cases. They forget that there is a law in existence paramount to all earthly legislation: nor are they struck with the incongruity of preparing themselves to expound and enforce human statutes, by treading under foot the law of God. The pernicious consequences which flow from this practice, are manifold. It weakens the moral sense. No man can habitually or frequently set at nought a Divine ordinance, without blunting his conscience and impairing his reverence for the authority of God. He who begins by taking half the Sabbath for his professional business, will be likely in the end to take the whole. And how is it possible for an individual to treat one item of the decalogue as a nullity, without lessening his respect for all its other provisions, and indeed for the whole religious system of which the two tables are the moral code? "Whosoever shall keep the whole law, and yet offend in one point, he is guilty of all." For the law, though presented to us in distinct categories, is essentially one; and to violate any part of it, is really to violate the whole, just as he breaks a large mirror who only throws a pebble through one corner of it. The wilful breach of any single provision, involves, also, a contempt for that authority on which the entire law rests. And it moreover indicates a disposition which, under like provocation, would set at nought any other of its enactments.

The practice in question, removes a man from all the wholesome influences of the sanctuary. But not to dwell on the peril in which the neglect of the house of God puts the salvation of the soul, we can none of us afford to dis-

pense with the collateral benefits which flow from the due observance of the Sabbath. If any confidence is to be placed in the opinion of eminent physiologists, the Sabbath law, though a positive institute, has its foundation in the nature of man. It is no arbitrary decree, but an ordinance indispensable to the proper culture and development of his physical and mental powers, and to his social happiness. The tendency of an uninterrupted devotion to earthly pursuits, is, to debase the character and to induce premature exhaustion and decay. The Sabbath comes to us, as an angel of mercy, to withdraw us, at stated intervals, from the secularities with which we are engrossed—to recruit our wearied frames—to let in upon our souls and upon our concerns the light of eternity—to revive our fading impressions of spiritual objects—to bring us into communion with the Father of our spirits—and to remind us of what we are so prone to forget, that

“’Tis not the whole of life to live,
Nor all of death to die.”

The appeal might be safely made to gentlemen who have long stood in the very front rank at our own Bar, whether they have not derived the greatest advantages from the tranquilizing and refreshing influence of the Sabbath, in seasons when they have been well nigh overwhelmed with the pressure of their business. And all experience shows how keenly nature resents any attempt to despoil her of that periodic rest which is her inalienable birthright. There are doubtless exceptions, but it will generally be found that lawyers who devote the whole seven days to

business, pay the penalty of their error, either in a loss of health or in falling a prey to vicious indulgences. The overtasked constitution gives way under a load it was never designed to bear. Their recuperative energies are paralysed. Physical debility is followed by mental depression. The nervous system acquires a morbid sensitiveness; and men of a serene and amiable temper and bland address, become irritable, harsh, and repulsive. Not unfrequently, stimulating drinks are invoked to inspire the strength demanded by urgent professional duties; and by degrees, the occasional expedient becomes a daily necessity, and the victim hastens with accelerated pace to a dishonoured grave. In other instances, the nerves become more and more disordered until reason is dethroned; and the once gifted advocate only lives to excite the pity of the Bar he adorned, or awakens their profounder sorrow by his suicidal death. You will not require illustrations. The wrecks are scattered all along the shore you are coasting: and even those who have but just cleared the port and spread their sails to the breeze, may deem themselves happy if they have not come in sight of some of them. If I should select a single example, it would be that of an English barrister, the splendour of whose forensic abilities was enhanced by his private virtues—I mean, Sir Samuel Romilly. My legal auditors are of course familiar with the history of this eminent person and with his disastrous end. It was the opinion of his illustrious contemporary and friend, Mr. Wilberforce, that the fit of insanity in which he terminated his life,

though immediately owing to a sad domestic bereavement, was remotely induced by his uninterrupted devotion to business, without allowing himself even the repose of the Sabbath. In writing to a friend, he says, "I am strongly impressed by the recollection of your endeavour to prevail upon the lawyers to give up Sunday consultations, in which poor Romilly would not concur." Four years after his death, Lord Castlereagh came to the same untimely end. When Wilberforce heard of it, he exclaimed, "Poor fellow! he was certainly deranged—the effect, probably, of continued wear of mind. The strong impression on my mind is, that it is the effect of the non-observance of the Sabbath; both as to abstracting from politics and from the constant recurring of the same reflections, and as correcting the false views of worldly things, and bringing them down to their true diminutiveness." "It is curious to hear the newspapers speaking of incessant application to business; forgetting that by the weekly admission of a day of rest which our Maker has enjoined, our faculties would be preserved from the effect of this constant strain." Being again reminded by the death of Castlereagh, of Sir Samuel Romilly, he said "If he had suffered his mind to enjoy such occasional remission, it is highly probable that the strings of life would never have snapped from over-tension."

Let me dismiss this topic by quoting the testimony of one whose name has never been mentioned but with veneration, in either hemisphere—Lord Chief Justice Hale. "I have found by a strict and diligent observation, that a due observance of the duty of this day, [Sunday] hath ever

had joined to it a blessing upon the rest of my time; and the week that hath been so begun, hath been blessed and prosperous to me; and, on the other side, when I have been negligent of the duties of this day, the rest of the week has been unsuccessful and unhappy to my own secular employments; so that I could easily make an estimate of my successes in my own secular employments the week following, by the manner of my passing this day: and this I do not write lightly or inconsiderately, but upon a long and sound observation and experience.”

It has been implied in every line of this sketch, that Mr. Chauncey was a sincere and decided Christian. He not only received the Bible as a divine revelation, but embraced its doctrines with a cordial faith, and made its precepts the rule of his conduct. Deeply persuaded of his own participation in the common ruin of the race, and of the insufficiency of any works or sacrifices of his own to propitiate a holy God, he sought salvation through the blood of the Lamb, and made the righteousness of Christ the sole ground of his hope of pardon and eternal life.* His piety was equally removed from the spurious liberality which homologates all creeds and sects, and the bigotry which confounds the door of its own narrow pale, with the only door that leads into the fold of Christ. It pervaded every part of his character, and had much to do in forming him to that wonderful symmetry—that harmony of all the powers and susceptibilities of his nature—which made him

* Mr. Chauncey was a member of the Second Presbyterian Church in this city.

so *complete*, I had almost said, in the language of the text, so "perfect" a man. It revealed itself not so much in a specific substantive form, as by its influence upon the whole man; like a light behind a beautiful transparency which, unseen itself, illuminates every line of the artist's cunning handiwork. It might be detected in his temper, his conduct, his manners, in all that he did, and in all that he said. No trumpet nor phylactery was needed to announce its presence: his serene and venerable aspect, his suavity, his cheerfulness, his overflowing kindness, his prompt and generous interest in others' wants and sorrows, and the whole tone of his conversation, whether on public affairs or matters of personal concern—all betrayed the commerce of his soul with heaven, and awakened the feeling, "Thou also wast with Jesus of Nazareth."

This great and good man has gone to his reward. Full of years and full of honours, in the maturity of all his powers and without any exhibition of human infirmity, he has been gathered to his fathers. Life's work was done, and well done; and we cannot doubt that he has received that crown of righteousness which the Lord, the righteous Judge, will give to all them that love his appearing.

I may not invade the sanctity of the domestic circle, to speak of the void his death has caused there. The time forbids me to enlarge on the public loss we have experienced as a community. The legal profession have shown that they were not insensible to the greatness of their bereavement. They can best estimate their obligations to one who employed his varied talents through a long life, in maintaining the high character of the Philadelphia Bar;

and who, without disparagement to the living or the dead, did at least as much as any other individual, to preserve unimpaired its reputation for sound learning, superior abilities, incorruptible probity, and urbanity of manners. The trust confided to him and his contemporaries, (of some of whom who survive, delicacy forbids more to be said than that they were worthy to be his partners in such a trust,) is now, in so far as he was concerned, to be devolved on the younger members of the profession. It is an honourable distinction to be made the keepers of a deposit which has passed through the hands of such men as Ingersoll and the Tilghmans, Rawle and Chauncey. But the post of honour is always a post of responsibility. And there is but one way, Gentlemen, in which you can acquit yourselves of your high functions with dignity and success. The character of the Bar must depend on the characters of its members. Personal purity and refinement will insure professional integrity and courtesy. It is the prerogative of RELIGION to make and keep men pure, and to confer that refinement of feeling for which good breeding can only substitute a graceful address—in other words, to make men what good breeding requires them to appear to be. The morality which is divorced from godliness, however specious and captivating to the eye, is superficial and deceptive. The morality you require, “the only morality (I use the language of an eminent compeer of the venerated Chauncey, whose name and fame we instinctively associate with his own,)—the only morality that is clear in its source, pure in its precepts, and efficacious in its influences, is the morality of the Gospel. All else, at last, is but idolatry—the worship

of something of man's own creation, and that thing imperfect and feeble like himself, and wholly insufficient to give him support and strength."*

BELIEVE ON THE LORD JESUS CHRIST, then—receive and rest upon HIM as your Saviour—and you will have the best preparation for the duties and trials of this life, and the only adequate preparation for the life to come.

* The Hon. John Sergeant.

THE END.