

**THE PROFESSION OF THE LAW:  
AN ADDRESS DELIVERED  
BEFORE THE LAW ACADEMY OF  
PHILADELPHIA, MARCH 22, 1880**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649251001

The Profession of the Law: An Address Delivered Before the Law Academy of Philadelphia,  
March 22, 1880 by William N. Ashman

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**WILLIAM N. ASHMAN**

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The Profession of the Law.

AN ADDRESS

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DELIVERED BEFORE THE

LAW ACADEMY OF PHILADELPHIA,

- BY -

Hon. WILLIAM N. ASHMAN,

In the Hall of the Historical Society of  
Pennsylvania.

MARCH 22, 1889.

PHILADELPHIA:  
PRINTED FOR THE LAW ACADEMY.  
1889.

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PHILADELPHIA, *March 29, 1889.*

HON. WILLIAM N. ASHMAN.

*Dear Sir:*

At a meeting of the Law Academy, held March 27, 1889, the undersigned committee were directed to extend to you the thanks of the Academy for your entertaining address, delivered on the 22d inst., and to request of you a copy of the same for publication.

Very respectfully, yours,

HENRY B. BARTOW,  
AUGUSTUS J. RUDDEROW,  
EDWIN JACQUETT SELLERS,  
JOHN F. LEWIS, (*Ex. officio.*)  
*Committee on Annual Address.*

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PHILADELPHIA, *March 30, 1889.*

*Gentlemen:*

I enclose, in response to your kind request, the manuscript of the address before the Law Academy. I own to some misgivings as to the propriety of publishing it in its present shape.

Yours, very truly,

W. N. ASHMAN.

MESSRS. HENRY B. BARTOW,  
AUGUSTUS J. RUDDEROW,  
EDWIN JACQUETT SELLERS,  
JOHN F. LEWIS, (*Ex. officio.*)  
*Committee.*

MR. PRESIDENT AND GENTLEMEN  
OF THE LAW ACADEMY :

The test of supreme genius lies in the breadth of its scope. Shakspeare towers above other poets not because he had in rarest profusion, every gift of poesy, but because he had the eye to follow and the hand to direct the play of every passion and sentiment of the universal heart of man. Burke towers above other orators, not because he surpassed them as he did, in immense learning and in an eloquence whose richness contrasted with other men's, like a cloth of gold alongside of home-spun, but because with the instinct born of a profound philosophy, he could foretell the issues of what to all others was an undiscernible future. The same test must be applied if we would measure the relative dignity of a calling or profession ; and I propose to apply it, in its utmost rigor, to the Profession of the Law. That calling has more than one noble competitor. The pulpit deals with a transcendent theme, and grapples with the many-sided and illimi-

table needs of the human soul. But I doubt whether theology may be justly termed a progressive science. It is based upon a few simple principles, whose excellence and whose power consist in their simplicity; and while it draws its forces largely from the domain of the spiritual, it has, after the lapse of centuries, no telescope by which to open up a single glory of that world which was not clear to the vision of the earliest believers. The science of Medicine is the Science of Materialism. It treats the animal man, as the geologist treats the soil from which man sprang into being—it resolves him into a compound of particles; and it gauges the strength of his intellect and the capacity of his soul, by the size and texture of the convolutions of his brain. In their efforts to baffle disease and to bring back the strength of the primeval man, the professors of that science have made many and daring researches into the secrets of nature and into the problems of social economy; but after the highest praise has been bestowed upon their mission, it must be confessed that their vocation begins and ends in the care of the physical man. The Student of Law enters a wider field, and occupies a post of more complex responsibilities. The science which he professes, touches man, like the air, at every turn. Its aid is invoked at the most sacred crises in the life of an individual or of a state. It protects the sanctity of home and the ministrations of religion; it guards the person from violence; it keeps back the despoiler from the property



of the subject, and builds a wall of defence around his land ; it seals the lips of slander, while it opens the lips of him who pleads for the oppressed. The ruler must bow to its behests as humbly as the outcast ; at its bar the peer stands on the same level with the peasant. It follows armies to the field, and brings order out of chaos,—takes up the tangled skeins of diplomacy which war had broken,—tones down the insolence of the victor, and maintains the right of the vanquished. No relation in life, however sacred or however casual ; no man, however humble or however high,—the delver in the mine, the sailor on the sea, the senator in the Capitol ; no interests between nations, can be either too vast or too little for the omnipresence of Law. With every stride of an accelerated progress, it has kept full pace ; and in the hands of its masters, the old tools—the Roman Institutes and the Magna Charta of John, newly fashioned and tempered and polished, mould and restrain the ceaseless and interwoven activities of to-day. I drop my own for the language of a master. Judge Gibson says :\* “ It is one of the noblest properties of this common law, that instead of moulding the habits, the manners and the transactions of mankind to inflexible rules, it adapts itself to the business and circumstances of the times, and keeps pace with the improvements of the age.”

I propose in the desultory sketch which I have very hurriedly drawn, to hint at some of the obligations

\*Lyle v. Richards 9 S. & R. 551.

which the Student of Law assumes, and at some of the qualities and acquirements, which that very assumption implies that he possesses. I venture upon this step perhaps, with a selfish motive; the wise man has said: "Thou that teachest another, teachest not thou thyself?" At the entrance to the temple in which he is to minister, or if you prefer the figure, to the stage upon which he is to act, he will find that the one purpose of the ceremonial, or the one moral of the play, is the ascertainment and enforcement of the Truth. The special pleadings which ecclesiastical subtlety invented seemingly to harrow his brain and disturb his sleep will take on an air almost of benignity, when he remembers that this was their meaning; and he will find that every rule of evidence, however trivial and however difficult of application, had its origin in the same motive. The verbiage of legal documents, which to the plain man seems so needless and exasperating, tends to exactness, and exactness is truth. Sometimes it leads to the admission of a truth which ordinary methods would not have extracted. In his Sketches of the Irish Bar, Shiel tells us of an affidavit which was filed in a case in the Irish Court of Common Pleas, and which ran something like this: "And this deponent further saith, that on arriving at the house of the said defendant, situate in the County of Galway aforesaid, for the purpose of personally serving him with the said writ, he, the said deponent, knocked three several times at the outer,

commonly called the hall-door, but could not obtain admittance; whereupon this deponent was proceeding to knock a fourth time, when a man, to this deponent unknown, holding in his hands a musket or blunderbuss, loaded with balls or slugs, as this deponent has since heard and verily believes, appeared at one of the upper windows of said house, and presenting said musket or blunderbuss at this deponent, threatened that 'if said deponent did not instantly retire, he would send his, this deponent's, soul to hell'—*which this deponent verily believes he would have done had not this deponent precipitately retreated.*"

The student of law must be a man of convictions. The bar does not want any mere negations—any pillars of salt looking back to cities of darkness and death, and standing inert and moveless while the vast procession surges past. It has too many such already in its ranks; men who watch the political and the social barometer, as the sailor watches the sky; and who get between decks, at the first appearance of a cloud, or the first patter of rain. In a profession like yours and in an age like this, it won't do to ignore any social problem or any moral reform; oppose them if you choose, but don't, in the thickest of the fight, skulk in the rear among the mules and baggage wagons, and when the day is finally won, and the flag is held aloft by bleeding hands, don't rush to the front, and claim that *you* captured a regiment. There are members of this bar, who, when the battle against a