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AN ESSAY  
ON  
PROFESSIONAL ETHICS

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*Id non est tantum, quod si vis illa dicendi militiam instruxerit, nihil sit publicis privatisque rebus perniciosius eloquentia: sed nos quoque ipsi, qui pro virili parte conferre aliquid ad facultatem dicendi comati sumus, pessimo mercenarie de rebus humanis, SI LATRONI COMPAREMUS HEC ARMA, NON MILITI.*  
*Quinet. De Inst. Or.*

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From Portrait by Gureauxnst 1865.

*Geo. Sharswood*

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SHARWOOD'S ETHICS

What has thus been very cursorily presented will evince that it is the province of legislation, by slow and cautious steps, to amend the laws, to render them more equal in their operation upon all classes, not favoring the rich more than the poor, nor one class of either more than another, providing an easy, cheap and expeditious administration of justice by tribunals, whose learning and impartiality shall be so secured as to possess the confidence of the community, and by general rules for the regulation of conduct and the distribution of estates most conformed to the analogies of that system, which is familiar to the people in their common law.

Great as is the influence which the profession of the law can and does exercise upon the legislation of a country, the actual administration of law is entirely in their hands. To a large extent by private counsel, by the publication of works of research and learning, by arguments in courts of justice to assist those who are to determine what is the law, and to apply it to the facts, as well as in the actual

exercise of judicature, this whole important province of government, which comes home so nearly to every man's fireside, is intrusted necessarily to lawyers.

In this country we live under the protection of written constitutions, not only so, but written constitutions, which have assumed to place limits upon the power of majorities, acting at least through their ordinary representatives. The construction of these constitutions, or constitutional law, as it is termed, forms a very important branch of American jurisprudence. There have been, and are, in other countries, charters, written or unwritten—organic or fundamental laws—but without this distinguishing feature. The fundamental laws, thus established emanate, in point of fact, from the government, and have no sanction beyond the oath of those intrusted with the administration of them, the force of public opinion, and the responsibility of the representative to his constituent. Our constitutions emanate not from the government, but the state, the society, the creator of the government; and