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Baccalaureate Address Delivered by Charles B. Lore, LL.D., Chief Justice of the Delaware Supreme Court*

About Chief Justice Lore**

Hon. Charles B. Lore, Chief Justice of Delaware, will deliver the baccalaureate address at the next commencement of the Law school.

A descendant of an immigrant who settled in Cumberland County, Pa., in the 17th century, Mr. Lore was born in Odessa, New Castle county, Del., March 16, 1831. Entering Dickinson College in 1848, he graduated with the honors of the class in 1852, being the valedictorian. Immediately thereafter, he commenced to study law with Judge John K. Findley, of Philadelphia. Some time after, he became clerk of the House of Representatives of his native state. On the close of the term of that House, he for one year preached under the auspices of the Philadelphia Conference, and during that short time acquired fame as a speaker and scholar. He then resumed the study of law with Daniel M. Baker, Chancellor of Delaware, and was admitted to the bar in 1861. In 1862 he was commissioned to draft troops for the Union army. In 1869 Gov. Saulsbury appointed him Attorney General for the term of five years. One of the important cases prosecuted by him as such, was that against Isaac C. West, a graduate of the class of 1868, of Dickinson College, for the murder of a negro at Dover.

In 1882, and in 1884, he was elected to Congress. In 1885, on the resignation of the office of Senator by Mr. Bayard, Mr. Lore was defeated by but one majority for the succession. Upon the death of Chief Justice Robinson, in 1894, Governor Reynolds appointed him to that office. He has already won fame as a Judge, by the justness, learning, and promptness of his decisions. In June 1896, Dickinson College, his *Alma Mater*, conferred upon him the degree of LL. D.

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** This description of Chief Justice Lore was originally published in 1 FORUM 4 (1897).

The motto on the seal of the Dickinson School of Law: “*Lex est fundamentum justitiae et libertatis*,” which may be freely translated “law is the foundation of justice and liberty,” is at once a happy expression of the scope of your school and a terse and exhaustive statement of the work of law, in forming and preserving human society.

To say that liberty is the aim and end of law, and that it is a necessary outgrowth of the maintenance of justice, is to state a truism. There can be no healthy human liberty without law. There can be no just law that does not grow out of a state of liberty. “Necessity, the tyrant’s plea,” wrote John Milton in *Paradise Lost*. “Where law ends, tyranny begins,” rang out the clarion notes of William Pitt, Earl of Chatham, in his speech in the Wilkes Case in 1770; and in his speech on the India Bill, in 1783, he declared, “Necessity is the argument of tyrants, it is the creed of slaves.” So that justice and liberty may be fitly termed twin sisters, abiding in the midst of every nation, where law is the highest expression of sovereignty.

Toward the close of the sixteenth century, broad-minded Richard Hooker penned these words: “Of law there can be no less acknowledged than that her seat is the bosom of God, her voice the harmony of the world; all things in heaven and earth do her homage, the very least as feeling her care, and the greatest as not exempt from her power.” In his Excise speech in 1783, Pitt epitomized this thought in good strong Anglo-Saxon, when he said: “The poorest man may in his cottage bid defiance to all the force of the crown; it may be frail, its roof may shake, the wind may blow through it, the storm may enter, the rain may enter, but the King of England cannot enter; all his forces dare not cross the threshold of the ruined tenement.” The English peasant’s home was his castle. The law built up about that home, however humble, a wall of sacred and inviolable protection that bade defiance to the marshalled hosts of the empire. These words of Pitt’s were uttered in the crisis of the American Revolution and in behalf of the thirteen colonies, then in the throes of their struggle for a government of law, against the unbridled tyranny of George the Third and his ministers. These words struck the keynote of Saxon liberty; fired the hearts of all just English men, and inspired with new courage the patriots on this side of the Atlantic. It is hard to tell just how much they contributed to our independence.

Where the government is one of law, the humblest man is clothed with all of the majesty and power of the State. In her courts of justice, he stands absolutely the peer of the highest and the mightiest.

The study and practice of law, in all ages, has opened up the widest fields of human usefulness and power. In these fields, the master mind sees and deals with the sources of human society, and is in touch with all the tides and currents of life. In the last resort, law is but the expression of the will of God. In the material universe, this will moves with noiseless and resistless certainty. The best human laws are but an effort to approximate this divine will, and they approach completion just in so far as they harmonize with that will. The perfection of individual and of social law is expressed by the psalmist when he says, "I delight to do thy will O God, yea thy law is within my heart."

The government of the United States is the highest product thus far of human civilization and constitutional liberty. It was created by, and exists only in and through that grand product of human foresight and sagacity, the constitution of 1787. Unlike other nations, our form of government did not grow up through ages of conflict between freedom and slavery, but sprang into existence at once, like Minerva from the brow of Jupiter, full grown, fully armed and equipped. It was created, expressed, and limited by that document, which is conceded by the Savans of the Old World, to be a masterpiece of Constitutional law. Our fathers builded more wisely than they knew, when they founded the temple of our liberties upon that Constitution. Our Government was created by law; subsists now, and must continue to subsist, by law, and by law only, as its vital breath.

But gentlemen of the class of 1897, it is idle to waste time further upon this thought, and in this presence. You fully comprehend the dignity and the majesty of law. You have made a choice of the law as your intellectual mistress. You have made your knightly vows at her shrine. For four years you have been eating, drinking and sleeping with Coke and Blackstone; with Kent and with Story, and perhaps with the host of lesser lights, the voluminous law book-makers of later years. You have doubtless puzzled your brains over the "rule in Shelly's Case," "the executory devise," "the contingent remainder," "shifting and resulting uses and trusts," you have chased and perchance embraced the elusive "estate of freehold" and the vague something called "benefit of clergy" to find out what they really were. You have ascended and descended the ladder of descent and of consanguinity, which ladder, if you were touched with pride of birth, mayhap you hoped might reach like Jacob's ladder up into the cloudy and exclusive regions of the blue blood of the Old World, or if fashioned in sturdier mould you have sought only some stalwart ancestor to imitate and to excel.

During those four years how often you have wandered up and down the old campus, sometimes by moonlight, while the mind drifted out into the future and went castle building. Then you were filled with the high purpose to make your mark in the world and to leave your foot-print on the sands of time. Generally you were alone, but sometimes there was another with you. A gentle hand rested on your arm, a gentle voice and spirit blended with your dream of greatness, and you two together fashioned a blended hereafter. For though law is a jealous mistress and brooks no rival, yet it is well settled that bachelors of law sometimes fall from grace and become brothers-in-law and benedicts before the altar and at the shrine of love. Gentlemen, I shall not lift the veil upon those scenes. They are sacred to you and to that other one. My theme is *law*, not *love*. I shall not invoke those voices from the campus further than to say that they were not the voices of Coke, Blackstone, Kent, Story, or any other recognized legal authority. We may however be permitted to congratulate the class of '97, and those other ones, if present, that the four corners of the old campus are not phonographs to repeat exactly what was said and done then and there.

But those days are gone. Your novitiate is ended. You stand on the outer threshold of the school of law, looking outward upon the swirling tides of human life into which you are about to plunge either for good or for evil. There is no middle ground, no standing still. The law of your being is that you *must* go forward, or you *will* go backward.

May we not then cast the horoscope and see what you may be and by what rules you may govern your professional life?

Of one thing be assured, your success in your profession will be just what you make it. Each man makes his own stature, builds himself. Each one fashions his own life as he will. I do not mean to say that there are not tides in the affairs of men, but I do say that in order to succeed those tides must be *taken* at their flood. You may not drift idly about until the flood comes and then drift on with it; but must work so that you may *take* the tide when it comes, and see to it that it leads on to fortune. In the attainment of human happiness and success, we move in obedience to the divine law, and do not depend upon the hazard of chance.

You cannot be too highly impressed with the dignity and importance of your profession. In the United States it is ordinarily the avenue to places of highest honor and trust and of greatest responsibility. Your success will be measured by your love for, and devotion to your profession, as a science involving all human interests.

The man who follows the profession of law only to make money has no conception of his relation to society. Inevitably such a one will gravitate into a shyster or a pettifogger. He would be as much out of place among the men who love law as a science, and through it seek mainly human good, as Lucifer would be in heaven. The lawyer whose soul is no bigger than his fee me-thinks is of the class of whom our Saviour spoke: "Woe unto you also, ye lawyers, for ye lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of your fingers." Such lawyers never hear the music of moving worlds nor behold the power and beauty of the laws of life, but only hear the clinking of the shekels.

A *primal* condition of success in law is absolute integrity and sincerity. Absolute truth to one's better nature. In the main the people measure and weigh a man correctly. In the epigrammatic language of Lincoln: "You may deceive all men sometimes; you may deceive some men all the time, but you cannot deceive all men all the time." A man will gravitate in society to the precise level of his character. It may take some time to find his level, but it will be reached if he lives long enough.

The man who begins life by trying to deceive others finds out in the end that he has only succeeded in deceiving himself. A favorite saying of Aaron Burr, who was an astute legal practitioner, was: "That is law, which is clearly stated and plausibly maintained." Yet Aaron Burr lived long enough to find out that the practice of this maxim landed him into social and political ostracism; shunned by all *good* men, and a lone wanderer on the Battery in the great city of New York; loved and honored only by a devoted and gifted woman, his daughter Theodosia.

No lawyer is called upon to *defend wrong or injustice*. He cannot do so without sacrificing his self-respect. The oath he takes, to be true and faithful to the Court and his client, does not involve any such condition. That oath substantially is that he will behave himself in the office of an attorney within the Court according to the best of his learning and ability, and with all good fidelity as well to the Court as to the client; that he will use no falsehoods, nor delay any person's cause through lucre or malice. His highest duty, therefore, to the Court and to his client is to prevent wrong and injustice. It sometimes happens that lawyers, in their zeal for clients, are carried beyond the borders of right, but every such lapse tells against the lawyer's highest development and robs him of a part of his moral manhood. There is a popular idea that a lawyer must stand by his client right or wrong. So a lawyer should stand by his client, but only so far as to see that that client has every protection that the

laws of God and of man *justly* vouchsafe to him. He may go no further without sacrificing his manhood and violating his oath of office. Every lawyer must draw the line for himself. That line may be safely drawn in this wise: Never identify yourself with a client who is a scoundrel or whose methods are tricky, or with a cause that your judgment and conscience tell you is wrong. Maintain above all else your moral integrity and self-respect. Do not barter them for silver or gold. In the beginning you may lose some clients; but build up for yourself a character for integrity and there will gather about you clients who will ask of you only that which is right. You will then find that honest clients make honest lawyers. Starting in your profession you may take the honest or the tricky class of clients. You may make your choice and you will soon find that the public will associate you with them. If you select the tricky, honest clients will take other counsel and you naturally will gravitate into the class of practice that you have elected.

In dealing with the Courts there is one safe rule: Never urge before the Court a proposition that you are satisfied is not law, simply in order to win your case. At first the Court will trust you, but if they find out that you have wilfully deceived them, ever afterwards your propositions will require verification. Aside from this no lawyer can maintain for himself, and try to make others believe those propositions to be law which he knows are not law, without blunting his moral perception. Persistence in such a course will ultimately unsettle his judgment and make him uncertain as to what is right and what is wrong. One cannot associate with and hug falsehood to his bosom habitually, without losing his hold on truth. The insincere man can never take an abiding hold upon the people. *Insincerity* soon becomes *transparent*. The people read such a man and will have none of him. Sincerity is an essential element of real success.

Your success will be largely measured by your willingness and capacity to work. The late Chief Justice of Delaware, Edward W. Gilpin, when asked by a young lawyer what course he should adopt to succeed in his profession, said, "Young man, put your feet under your office table and keep them there." Other things being equal, that one of your number who has the will and the largest capacity for hard, connective labor will climb up to the highest round of the ladder of success. I know no better definition of genius, than that it is the largest capacity for *concentrated, consecutive labor*. There is no profession in which hard work tells as effectively as in the law. Men of most brilliant promise have often failed because they relied upon inspiration. There is no inspiration in the realm of law. On

the other hand, the earnest, honest plodder will achieve marked success, winning the prize by hard earned knowledge.

It is difficult to lay down any system of iron-clad rules, or mark with certainty the path of success. The conditions change with the mutations of society. The accumulation of capital in large corporations, and the exacting demands of corporate life have tended to make the corporation lawyer largely a business machine. The marvelous development of the modern newspaper and the multiple power of the press have largely taken the lawyer's place as a director of the political and legal drifts of the nation. The practice of law is becoming daily more and more a methodical piece of business mechanism, instead of the discursive journeying into the wide field of abstruse and often technical learning, mainly in relation to real estate.

The all round lawyer of the type of Blackstone, has changed into the modern legal athlete in the field of specialty. The old real estate lawyer has almost disappeared. We have now the patent lawyer, the admiralty lawyer, the commercial lawyer, the corporation lawyer, and those of other lines; all expressive of modern development in the field of law. Instead of gathering together as the Athenians did at the foot of the Acropolis to learn of the smooth-tongued Demosthenes whether there should be peace or war, instead of gathering in the forum and in the amphitheatre as the Romans did to listen to the thrilling oratory of Cicero in order to learn the latest phase of national thought and policy; the people of today, in this western world of ours, sitting at their firesides, from the morning newspaper, before breakfast, read the utterances of the brainiest men the world over, and hear the heart-beats of every nation of earth. We no longer need the Clays and Websters, the Calhouns and men of that ilk, who, like Saul of Tarsus, stood head and shoulders above their fellows; to be leaders of our national thought and dictators of our national policy. The press, that great leveler, has closed up the gap and brought all men nearer to an equality. But changed and modified as it is, the law still is the open sesame to political life and honor and presents a wider range for usefulness than any other field. In it the possibilities of one's usefulness are limited only by one's capacity.

Young gentlemen, your lives are before you. For thirty-five years your speaker has been engaged in the practice of law; his life, therefore, is largely in the past.

In the light of that life experience let him beseech you, that you put your ideal high up in the scale of life. Form and persist in some exalted purpose, the attainment of which will leave the world better

because you have lived in it. Everything that you undertake, do well. Slight nothing. Learn the habit of faithful exactness and conscientious labor. Such a course will give Dickinson School of Law no cause to blush for the Class of '97.

There is *one book* that I would commend as your constant companion, that you take it as your guide. It is the law of life. No man can build character wisely, or lay out the plan of life safely, who does not take counsel from the Revealed Word of God. A bosom friend of Daniel Webster, and one of his most sagacious critics has said, that Webster was never grander, never uttered a more impressive thought, than one night out on the waters near Marshfield, his home by the sea, as he repeated the Eighth Psalm. The wind had lashed the waves to fury, a terrific storm brooded over the water; the blackness of the storm was lighted up at intervals with blinding flashes of lightning; their frail boat was borne now on the crest and then in the trough of the sea, and while terror had seized all others, Webster alone was unmoved, and in his deep-toned voice accompanied at intervals with the mutterings of the thunder he repeated those words of the psalmist, that marvelous revelation of divine power. The writer says he was never so impressed by mortal man. The greatest lawyers have been deeply versed in the Bible truths.

Permit me to say that in coming years, I shall remember your names and watch your progress with deep interest. United with you in a bond of sympathy in your life work, it will be a pleasure to remember that I stood by your side, and was privileged to offer words of cheer, as you girded up your loins and started out to do battle for yourselves, your *alma mater*, your country, and your God. See to it that when you come to account for the use of the talents with which the Creator endowed you, you be not ashamed of the reckoning. Representing your *alma mater* to-day, which sends you out into the battle of life, I would say in the language of the Spartan mother when she sent her son to battle:

“Son, go out, but bring back with you your shield, or let your dead body be brought back upon it.”

As you now enter upon your life's work let me commend to you the language of Longfellow's Psalm of Life.

“In the world's broad field of battle,
In the bivouac of life,
Be not like dumb driven cattle!
Be a hero in the strife!

Trust no future how'er pleasant!
 Let the dead past bury its dead!
 Act—act in the living present!
 Heart within and God o'erhead!

Lives of great men all remind us
 We can make our lives sublime,
 And departing, leave behind us
 Foot-prints on the sands of time;
 Foot-prints that perhaps another,
 Sailing o'er life's solemn main,
 A forlorn and shipwrecked brother,
 Seeing shall take heart again.

Let us then be up and doing,
 With a heart for any fate;
 Still achieving, still pursuing,
 Learn to labor and to wait."

You represent and are a part of the civilization of the closing years of the nineteenth century. You hold in your hands all the accumulated and concentrated forces of that century, so big with human progress. Possessed of those forces, your lives will be projected largely into, and become a part of the twentieth century. Its unknown and magnificent possibilities will be yours. Will you mould them, or be moulded by them? It is for you to say. By us the result can only be read in the light of your hereafter.

With parting words, let me now drop into the heart and consciousness of each individual member of your class, there to abide, that beautiful admonition in Bryant's *Thanatopsis*:

"So live, that when thy summons comes
 to join
 The innumerable caravan, that moves
 To that mysterious realm, where each shall
 take
 His chamber in the silent halls of death,
 Thou go not, like the quarry slave, at
 night,
 Scourged to his dungeon, but sustained and
 soothed
 By an unfaltering trust, approach thy grave,
 Like one that draws the drapery of his couch
 About him, and lies down to pleasant dreams."

With your work well done, this would be a glorious end of life's fitful fever.

