

but also common-sense and conscience? Speaking of conscience reminds me of a circumstance, the recollection of which may probably amuse.

A bottle of brandy brought from the town for my cook's private use was lost. She asked the messenger who ought to have delivered it, why he had not brought it straight to the kitchen.

"Because Mrs. Crawshay was in the kitchen at the moment, and I didn't think you'd have liked her to know of it."

The reply was doubtless startling—

"I never do anything of which I do not wish Mrs. Crawshay to know—she is quite aware that I take brandy-and-water instead of beer."

Fancy a kitchen where all was straightforward and honest!

In the heat of summer my ladies found immense comfort in their gas-stove, which did away with the necessity for a fire in the kitchen, unless some very large joint, such as a haunch of venison, had to be roasted. The stove was also most useful for baking rolls for breakfast, not needing the time that a brick oven does for heating.

There seems a strong feeling that the place of house-keeper is well suited to a lady. No one considers her isolation. "It would be such a bore to have her with us at all." Isolation and the "worry of the servants" will, before long, make the lady-housekeeper sigh for a staff of upper servants of her own class, and I do not expect there will be any dearth of active, kindly young women ready to come forward, in whose vocabulary the words refinement and gratitude both have places.

So much for the manner in which it seems probable

a portion of the public will be brought to see the desirability of adopting lady-helps.

The question of how a supply of efficient helps will be provided, seems likely to be answered by large families of daughters determining to be their own helps, by devoting two hours each, or perhaps only one hour each, per diem to household work; and finding that no one suffers thereby except the poor doctor, whose fees will, from the moment this plan is adopted, gradually dwindle.

The medical profession, of all professions, seems least to fear any abrogation of its income through greater knowledge on the part of the public. How is this? Is it from its greater philanthropy, or from its unwavering faith in the folly and stolidity of the human race?

It is strange how furiously aggrieved many people are at my scheme for supplementing some of the shortcomings of ordinary servants by superior intelligence and greater purity of purpose. Are they afraid that I shall abolish ordinary servants more quickly than they will abolish themselves? or that, whether people like the system of lady-helps or not, they will be obliged to employ them? Vain fears both! Domestic servants will continue to find occupation until from sheer demoralisation they cease to be.

People who object to lady-helps will no more be obliged to employ them than women who do not want to vote will be obliged to vote, when the time comes that women shall be allowed to have a share, if they wish for it, in making the laws which they are bound to obey, and in opposing those, the working of which is now so unjust and so injurious to women.

R. M. CRAWSHAY.

## HOW TO BECOME A BARRISTER.



THE profession of barristers enjoy great privileges—that is to say, rights conferred on them by law—and they also practically enjoy other advantages from the prestige attached to their name. Chief among their privileges may be reckoned the fact that they have the exclusive right of advocating another person's

cause in all the divisions of the Supreme Court, which correspond to the ancient Courts of Chancery, Queen's Bench, Exchequer, Common Pleas, Probate and Divorce, and Admiralty, and the Assize Courts. Then they practically enjoy advantage in the County Courts and other subordinate courts, when they are employed in them; their arguments are sure to receive strict attention from the judge, and acquire extra weight from the position of the speaker; the judge appears to be willing to receive instruction at their hands, he peruses carefully the cases they cite, and shrinks from challenging the correctness of any principle of law which they enunciate. The contest

is a very unequal one unless a barrister is also employed on the other side. Then some judges give a pre-audience to cases in which counsel are employed—counsel being the more dignified name for the profession of barristers. And, as a final tribute to the superiority of the barrister over ordinary mortals frequenting the law courts, may be noticed the deferential manner in which the crowd yield to the right and left to make way for every wearer of a wig and gown.

Another privilege of barristers is this: the advice of a barrister throws an aegis over any solicitor who consults him, to protect him from being responsible for any mistake he may make. A solicitor who acts upon his own view of the law, and involves his client in loss, may be exposed to an action for negligence in his conduct of the business; but if the solicitor has acted under the advice of counsel, at once all responsibility is taken off his shoulders. Nor is the barrister liable for the correctness of the advice he gives. He is considered in theory as a learned man, giving advice to those who ask it, out of mere benevolence. What he states is his opinion—that is all which is asked for, that is all which is given. His clients, then, if they have sufficient faith in his learning, may act upon it at their

own risk. Consistently with this theory a barrister cannot recover any fees for his work. If a client chooses, he may take a barrister's opinion and never pay for it; though, of course, the barrister may then decline to do work for him ever again. This state of things may appear somewhat anomalous; but practically it is found to work well. Law is, and—with all due deference to certain amateur law reformers—law always must be, uncertain on many points; and if all barristers were responsible for the advice they gave, they would refuse to give advice at all when there was any difficulty. An irresponsible opinion may not be the most satisfactory one for a suitor, but it is certainly better than none at all.

While on the subject of barristers' privileges, it may be well to add that the judges of the superior courts and almost all the inferior courts in the country are selected from among barristers, while there are many other appointments for which only barristers are eligible, and others for which they are considered as peculiarly qualified.

The privileges of a barrister then being so great, it is important to consider who can confer them, and by what means they may be acquired.

Now there are four corporations which have power to make a man a barrister, or call him to the Bar, as it is technically called; and these four corporations are called respectively the Inner Temple, the Middle Temple, Lincoln's Inn, and Gray's Inn, and are commonly known as the Inns of Court. The name of the Middle Temple would seem to indicate that there was formerly an Outer Temple, but no such place or institution now exists. The local habitations of the four may be found in any map of London, and we will assume that they are known to our readers. The members of each Inn are divided into three classes—Benchers, other barristers, and students. The Benchers form the governing body of the Inn, and they have power to elect other barristers to become Benchers, to call students to the Bar, and to admit students to the Inn.

The Crown has power on the recommendation of the Lord Chancellor to appoint any barrister to be a Queen's Counsel, and it happens every year that a number of barristers in good practice apply for this honour, which also confers certain privileges; and whenever a barrister is appointed a Queen's Counsel, he is made a Bencher of his Inn as a matter of course. Up to the present time it has been the rule that whenever a barrister was made a judge of any of the superior courts of Common Law at Westminster, he left the Inn to which he belonged, and became a member of an Inn called Serjeants' Inn. But this appears to be altered by the Judicature Act, so that in future all judges will remain Benchers of their Inn. We shall not, therefore, be far wrong in saying that each of the bodies which have power to call a man to the Bar, consists of a number of judges and leading barristers, who are annually recruited by the addition of other barristers who rise to eminence in their profession, and whose number comprehends the probable judges of the immediate future.

With respect to the mode in which these bodies exercise their power of calling men to the Bar, they have of late years appointed a Council, containing members from each of them, to draw up a body of Consolidated Regulations for the admission of students and call of barristers, and such a body of regulations has been drawn up and altered from time to time accordingly.

Within the last few years some pressure has been put upon the Inns of Court by a number of reformers, chiefly members of the legal profession, who believe that a more efficient system of legal education may be adopted, and that the voice of public opinion may be called forth on their side by a ventilation of their views. We doubt, however, whether the subject of the admission of barristers could be placed in the hands of any better qualified body of men than the Benchers of the Inns of Court, or any more anxious to maintain the honour of the profession. But they certainly suffer from the disadvantage of having their time and energy fully engaged in other professional duties, and also in being divided into four independent bodies of equal power. From this it follows that any proposal has to be passed by the Council of the four Inns, and then submitted to each of the Inns separately, and if any amendment be suggested by one of the Inns, it must be remitted to the Council, and sent by them to the other Inns. And as the days of meeting of the Council and of the Benchers of the Inns are few and far between, it is evident that legislation cannot go on very satisfactorily in this manner. Probably the only reform for which external aid is needed is to consolidate the four Inns of Court into one body. Such a consolidation would have the further benefit of assimilating in all respects the practice of the four Inns, and doing away with several minor peculiarities of the several Inns which will appear in the following pages.

A perusal of the Consolidated Regulations of the four Inns will show how a student can be admitted to one of them.

The first step for him to take is to go to the Treasurer's or Steward's Office of one of the Inns, and procure a form of application for admission, for which he will have to pay a guinea. Here a few words may be added as to which Inn to enter. Each Inn possesses a number of chambers, the rent of which forms a large part of its revenue; and each Inn only lets its chambers to its own members. A set of chambers usually affords room for more than one barrister, and the tenant can under-let the rooms which he does not use himself; but if he under-lets the whole, and ceases to occupy any part himself, the Inn makes it a rule to give the occupants notice to quit. Hence, if a man wishes when called to take chambers in some one of the Inns, he should enter that Inn. Another reason leading to the same conclusion is this: each Inn has its own library, which its own members can use, but the librarian and attendants have orders to exclude the members of the other Inns, unless they have procured a special order from some Bencher of the Inn in question.

Now the profession of barristers has hitherto been divided into two distinct branches—namely, Common Law barristers and Equity or Chancery barristers. The former go circuit, the business of the latter lies in London all the year round. It is true that law and equity have now been theoretically fused, but the difference between them was to a great extent a difference of the subject-matter with which they dealt, and this must ever continue to exist; and, moreover, the bulk of the matters formerly cognisable by the Court of Chancery are still assigned to what is called the Chancery Division of the High Court. It is pretty certain, therefore, that the old division will still continue, and that solicitors with briefs in their pockets will naturally wander to the old habitat of the barristers to whose branch their cases belonged.

Now the two Temples have always been the seat of Common Law barristers, while Chancery barristers have had their abode in and about Lincoln's Inn. Lincoln's Inn, however, has been full to overflowing for some years, and many Chancery barristers have chambers in Chancery Lane, and other adjacent streets, as well as in Gray's Inn. The situation of Gray's Inn appears to be less suited for business than Lincoln's Inn, owing to its greater distance from the Chancery Courts, and the number of its members has become small. Its authorities, however, have lately made strenuous efforts to increase its numbers by the establishment of several scholarships and prizes for proficiency in law, to be competed for by its students. The fees of Gray's Inn are also slightly lower than at the other Inns.

If a student be in doubt to which branch of the profession to apply himself, the best advice to be given him certainly is, to go where he has most interest. If that is uncertain, he may perhaps be influenced by observing that at the Chancery Bar success at the Universities and success at the profession go to a great extent hand in hand; while at the Common Law Bar the University men find themselves rather handicapped in the race with competitors who possess less deep learning, but more practical knowledge of the world.

We will now assume the student to have determined on his branch of the profession, to have selected his Inn, and to have procured his form of application for admission. He will find no difficulty in filling this up, and he will observe that, besides signing the application himself, he will have to get two barristers to sign a certificate at its foot that they believe him to be a proper person to be admitted a member of the Society. It is not necessary that the belief of the barristers who sign this should be grounded on personal knowledge of the candidate, it is sufficient if it rests on the statement of a friend; no barrister would scruple to sign the certificate for a gentleman recommended to them by a friend, and the Inns of Court require no more.

When the applicant peruses the form of application for admission, he will observe that one clause of it contains a declaration by him that he is not a solicitor, or a solicitor's clerk, or a barrister's clerk, or several other kindred characters. This is an important point.

The Inns of Court consider it necessary for the dignity of the profession that a solicitor should take his name off the rolls of solicitors before entering any Inn of Court for the purpose of being called to the Bar; and that solicitors' and barristers' clerks, and other persons mentioned in the declaration, should in like manner cease to act in their respective capacities, and not return to them again. If this rule appears hard to any one, it will be well to recollect that the various avenues to the Bar thus cut off are those which would be most accessible to needy adventurers who would not care so much to acquire an honourable reputation as to run up a long list of fees; and who might often be tempted to advise rash litigation, the result of which, however disastrous to their client, would be profitable to themselves. Certain it is that a healthy tone of opinion prevails at the Bar, condemning sharp practice, and insuring good faith and good feeling between the counsel employed by hostile clients. There can be no doubt that this results in some measure from the exclusive rule above-mentioned, which renders it unwise for any man to enter the Bar who has not the means of living independently of it. And though instances do occur of men with small means, but great genius and industry, attaining eminence in the profession, such men usually find the struggle so hard that they are not prone to recommend others to endeavour to follow their footsteps.

Besides the above-mentioned rule, which is part of the Regulations of the four Inns of Court, the Society of Lincoln's Inn requires a further declaration from an applicant for admission to the effect that he is not in trade; and also requires the declarations to be repeated before the student is called to the Bar, showing that he has never filled any of the forbidden characters since entering the Inn, adding that he is not a person who, being in Holy Orders, has done any clerical duty during the preceding year, or intends any longer to act as a clergyman.

Let us assume now that every disqualification is removed, and that the applicant has filled up the form of application for admission, and returned with it to the Treasurer's or Steward's Office. The next point to which his attention will be directed is this—"Has he passed a public examination at any University within the British dominions?" If he has, he is entitled to be admitted at once, on showing evidence that he has done so; if he has not, he will have to pass a preliminary examination. The evidence required of the applicant having passed a public examination is not very strict. The Inns have prepared a form of certificate to be filled up, which form the applicant should ask for at the time of procuring his form of application for admission. The words of this certificate are as follow:—"I hereby certify that on the — day of —, 18—, — of — passed a public examination at the University of —;" and a note at the foot states that the name and office held in the University or College by the person certifying must be added. It is of course well known that Moderations at Oxford and Little-go at Cambridge are called public examinations, but members of other Universities would probably

have been glad if the Regulations had been more specific in defining what was meant by a public examination. The senior tutor of the College would in general be the proper person to apply to for signature of the certificate, and in his absence some other tutor whose name was in the University Calendar.

Preliminary examinations for applicants who have not passed a public examination at any University, are held every week during the times of the old law terms, and in the week preceding each term. The examination is a simple one, the subjects of it being the English language, English history, and Latin. For English history it would not be necessary to read any deeper book than the "Student's Hume," and the examination in Latin does not travel beyond the standard books usually read in the lower classes at schools—Virgil, Cicero, and the like.

The examination being passed, the only remaining step to be taken is the important one of paying the necessary fees. These consist of £25 for stamp duty, payable to Government; five guineas payable to the Council of Legal Education, for which the right to attend certain lectures is accorded; and some other sums payable to the Inn, the whole amounting to nearly £40. The entire sum is paid to the Treasurer of the Inn to which the student is admitted. Non-University students further deposit £100 as security for the fees payable on their call, while University students are only required to give a bond to secure such payment.

After admission, the student will have to keep twelve terms before he can be called to the Bar, though he may be called in his twelfth term. The terms fall in the intervals between the circuits, when the judges are assembled at Westminster. One therefore takes place in January, after the winter assizes, and is called Hilary Term; another called Easter Term, after the spring circuit; a third called Trinity Term, at the end of May and beginning of June, followed by the summer circuit and the Long Vacation; after which comes Michaelmas Term, in the month of November. It is true that for judicial purposes the old terms are now abolished, and the sittings of the Courts continue beyond their limits, but the terms are still preserved for the purpose of admission of students to the Bar.

The keeping of terms at the Inns of Court was probably, in early days, a substantial matter like keeping terms at the Universities, involving residence in the neighbourhood for the whole term, and thus being a guarantee that the student was at least in the proper place for pursuing his studies. Now, however, all that is required for keeping a term, from a student who is a member of one of the Universities, is that he dine three times in the Hall of the Inn during the term; and all that is required from any other student is that he so dine six times. The charge for the necessary dinners is about thirty shillings a term, and it might be thought that the only object of requiring the dinners from students was to make a little profit out of them, if it were not tolerably obvious that the cost of providing the dinners for the uncertain number of

students that may attend every evening, and procuring the attendance of the necessary waiters during the intermittent periods of the terms, is so great that no profit could be made out of the dinners in any case. Perhaps the best effect that the dinners produce is to throw the students together and introduce them to each other, so as to enable them to learn from each other many points essential to their common career. The Inns, in fact, answer the purposes of clubs for the students to a slight extent, for though it is only necessary for a student to dine the number of nights mentioned above, he may dine more often if he think fit, and many students do so. The Inns would answer this purpose of clubs far better than at present, and would, we believe, gain in the point of economy, if they held their dinners during the whole legal year from November to August, instead of only during term time, and if they opened their libraries for a few hours in the evening, affording the students perhaps also the use of a reading-room, where they could enjoy rest and conversation for a short time after dinner.

Besides keeping terms, the student must also pass an examination in law before he can be called to the Bar. Up to the year 1872 a student had the option of either passing the examination, or procuring certificates from the public lecturers that he had attended their lectures, or a certificate from a barrister that he had studied for a year in his chambers; but it is compulsory upon all to pass an examination now. Public lectures, however, are still delivered, and students usually find that it assists them in their reading to attend some of such lectures; and they also usually feel it to be desirable for them to see some real work, by studying for one or two years in the chambers of a practising barrister. A fee of 100 guineas is payable to a barrister for the privilege of studying for a year in his chambers.

The subjects of examination are Roman Law, the Law of Property, Common Law, and Equity, on each of which a separate paper is set. The questions set do not go deep into the subjects, and may usually be all answered out of a certain number of well-known elementary law-books in use amongst students. The examiners, however, appear to require a thorough knowledge of these elementary works.

An examination is held shortly before each term, so that students may put off their examination to the eve of their call. They cannot, indeed, pass the whole examination until they have kept nine terms, but they may pass the examination in Roman Law at any time after having kept four terms. The reason for this appears to be that Roman Law is valuable for inculcating the general principles of all law, and may form a useful prelude to the study of English Law, which consists in the application of such principles to modern times.

The examination being passed, and the terms being kept, the student is entitled to be called to the Bar on payment of the proper fees. These consist of £50 stamp duty to the Government, and other fees payable to the Inn, which make up pretty nearly the sum of £100, so that non-University students receive very

little back out of the sum deposited by them on entering the Inn, while University students have about that amount to pay. The student should be careful to inquire beforehand of the Treasurer of his Inn as to the particulars on the occasion of his call; for though the call-day comes late in the term, a list of all the students about to be called has to be posted in the Hall from the beginning of the term, and all fees have also to be previously paid. Each candidate has also to seek an introduction to some Bencher of his Inn, to move his call. The formal call takes place after dinner on the call-day, when the candidates are ushered into the Benchers' room, and wine is handed round to them. The Treasurer ascertains that all are present, and then makes them a short speech, announcing their call to them, to which the senior candidate replies, and they all retire again.

In addition to the pass examination before men-

tioned, there are studentships given for proficiency in Roman Law and Jurisprudence, and for these studentships special examinations are held twice every year. There are also two examinations a year held for students desirous of passing the general examination with honours, to whom papers are set involving a deeper knowledge of the subjects of the pass examination, to which Jurisprudence, International Law, and Constitutional Law are added. The attractions, however, to students to present themselves for this deeper examination are not very great; the honour conferred by it is rather an empty one, and the extra subjects required for it are not of much practical utility for their future professional career. It is probable that most students will think it wiser to content themselves with obtaining a certificate in a pass examination, and devote the rest of their time prior to their call to learning actual business in barristers' chambers.

A. D. TYSSEN.

## MY OWN STORY.

TOLD OVER A COUNTER.



THINK I had best tell it. You will then know who I am, as well as what I am, and why I became what I am, and why I almost fainted last November at the bare mention of my early life. I have lost all desire for concealment now, and no longer dread any calamity that can befall me. The last arrow in fate's quiver has been shot, and past or future is all as one to me, so far as this life is concerned." This was said in reply to Mrs. Chappell, the hair-dealer, when I went for the second time into her shop early in the spring of 1871, and her inquiring eyes anticipated her verbal observation respecting the deep mourning which I wore.

She had recognised me at a glance, although she had only seen me once before, and months had elapsed and a great sorrow had set its impress on me in the interval.

I moved to a chair higher up the shop, to be out of hearing either of the shop-woman or the customers she was serving. Mrs. Chappell leaned across the counter to listen.

"You thought I was educated above my present position. I am not sure of that—a nurse whose duties carry her into good families needs to be educated; a vulgar woman's voice and language will jar on the nerves of a sensitive and refined patient; and to be thoroughly efficient she requires an amount of information which only education can give or apply.

"I was my father's favourite daughter, the youngest of three. My mother died in my infancy, and only a girl reared in a motherless household can know what that means. My sisters were both much older than myself. The years between us might be counted by names and dates on my mother's gravestone in the old churchyard, where I used to sit on summer days in frock and pinafore, and speculate on what the sleepers

beneath had been like, and whether my sisters would have boxed my ears so often if my dear mother had lived.

"Church, churchyard, and town were old, and situated in the very heart of Cheshire, with a surrounding of country seats and arable land, which made the quaint agglomeration of houses resemble an island in a sea of verdure.

"Amongst the ancient habitations were none more ancient than those which had my father, David Beech, for owner and tenant, and which presented a long row of pointed gables (surmounted with wooden pinnacles) to the spectator from the opposite windows of the 'George' inn. He was primarily an ironmonger, and his large double-windowed shop ranged first, our diamond-tiled house-place next, with its many doors—one into the High Street, one to the long gully of a back yard, one to the enclosed staircase, and two opposing each other from the shop, and into a spacious, heavily-furnished, seldom-used parlour. To these succeeded the warehouse proper, and a nail-maker's forge.

"My father indulged and my sisters thwarted me, or I thought they did. You see, Mrs. Chappell, we look on such things so differently with old and young eyes, and I think now they perhaps did their unskilled best to keep me from running wild altogether.

"I had high and adventurous spirits, and was much inclined to run loose with any gamesome youngsters who would run loose with me—on the bowling-green, over the common, into the fields and fir-plantations—where we were clear trespassers—or where fir-bobs, or blackberries, or dog-roses tempted us. But I never ran wild with them through the churchyard—my mother and brother lay there, and sanctified the ground.

"At length Leah said she could 'stand it no longer; I must be sent to a better school—one where I should