

## HOW TO BECOME A SOLICITOR.



THE old distinction in name between an attorney-at-law and solicitor in Chancery was swept away by "The Supreme Court of Judicature Act, 1873," and by the more grandiloquent title of "solicitors of the Supreme Court" will the members of the generally abused and mis-called lower branch of the profession of the law be known for the future.

Since the distinctive title of attorney-at-law has now been practically expunged from our legal dictionary, it may not be uninteresting or unprofitable to take a short retrospect of the manner in which it was brought into existence.

Under the feudal system, our early Norman kings had one standing council, consisting of a court styled "Curia Regis," or "Aula Regis." In one branch of this court, styled the "King's" or "Queen's Bench," all civil (except actions relating to realty) and criminal business was conducted.

In the other branch of this court, styled the "Exchequer of Pleas," all matters relating to the revenues of the Crown, and the recovery of the king's debts and duties, were heard and determined.

These courts were held in the king's palace, or wherever he was personally present. The king himself was the judge, assisted by the great officers of State; and in those days the king used to make the tour of his dominions, in order to administer justice to his subjects.

Before these courts, wherever they might be sitting, every subject (with some few exceptions) who sought justice, or against whom justice was sought, had personally to appear.

This was soon found to be excessively burdensome, and—in the reign of Richard I., according to some writers, but of John, by the famous Magna Charta, according to others—a fixed and stationary court, styled the "Court of Common Pleas," was established in Westminster Hall, with jurisdiction to hear and determine all pleas of land and injuries merely civil between subject and subject.

The establishment of this Court of Common Pleas at Westminster, though it removed the grievance of compelling suitors to travel about the country after the "King's Court," at the same time obliged them to come up to Westminster from all parts of England to attend this Court of Common Pleas, which proved to be equally burdensome; and with a view of remedying this inconvenience, in the thirteenth year of Edward I. suitors were permitted to prosecute and defend their suits by "attorney," and hence originated the profession of "attorneys-at-law."

The name of solicitor is of more recent date, and appears to have been first applied to those gentlemen who practised in the Court of the "Star Chamber."

In the "good old times" the only key required to

open the door of the profession was the same then as with all other professions—viz., the golden one.

If your friends would pay the stamp duty of £120, be prepared with a premium varying from £200 to £500, and find (a not very difficult task, you may imagine) some gentleman, already in the profession, who would accept the money, and covenant to do that which was the last thing he ever thought of doing—viz., teach you your professional duties—straightway you could be articulated, and in due course enrolled as an attorney of the Courts of Common Law and solicitor of the High Court of Chancery. True it is that even as early as the fourth year of Henry IV., an enactment was passed that attorneys should be examined by the judges, and none admitted but such as were "virtuous, learned, and sworn to do their duty;" yet the examinations which had to be passed under the statutes from time to time in force were really more matters of form than attempts to test the capabilities of the man to fulfil the duties of the profession he proposed to enter.

A step has, however, within the last few years been taken in the right direction; and I will now proceed to state the several obstacles that have to be surmounted before any one can become a "solicitor of the Supreme Court."

In the first place, you must be articulated; but unless you are excused upon one of the undermentioned grounds, you must have previously passed the "Preliminary" examination. The term "articled" is equivalent to that of "apprenticed." The first is applied to a profession, the second to a trade; and in each case the master covenants to instruct the pupil in his profession or trade, and the pupil covenants to obey his master, and perform those duties connected with his profession or trade which may be required of him.

The grounds of exemption from the Preliminary are, that the candidate has taken the degree of Bachelor of Arts or Bachelor of Laws, in one of the Universities of Oxford, Cambridge, Dublin, Durham, or London, or in the Queen's University, in Ireland; or Bachelor of Arts, or Master of Arts, or Bachelor of Laws, or Doctor of Laws, in any of the Universities of Scotland (such degrees not being honorary degrees); or has been called on to the degree of Utter Barrister in England; or has passed either of the following examinations:—1. The First Public examination before Moderators at Oxford. 2. The Previous examination at Cambridge. 3. The examination in Arts for the second year at Durham. 4. The local examinations instituted by the University of Oxford. 5. One of the non-gremial examinations of the University of Cambridge. 6. One of the examinations of the New Oxford and Cambridge School Examination Board. 7. One of the Matriculation examinations at the Universities of Dublin or London. 8. The examination for the first-class certificate of the College of Pre-

ceptors, established in 1849. Power is also reserved to the presidents of the Queen's Bench, Common Pleas, and Exchequer Divisions, jointly with the Master of the Rolls, or any one or more of them, to dispense with the examination either entirely or partially.

Any candidate claiming exemption from the Preliminary examination must produce to the Registrar of Solicitors, whose office is at the Incorporated Law Society's Office, Chancery Lane, the Testamur Certificate, or other evidence showing his right to such exemption, before or at the time of producing his Articles of Clerkship for registration.

The Preliminary examinations are held at the Incorporated Law Society's Hall, Chancery Lane, and at some of the following towns, of which information must be sought at the office of the Law Society above referred to:—Birmingham, Brighton, Bristol, Cambridge, Cardiff, Carlisle, Carmarthen, Chester, Durham, Exeter, Lancaster, Leeds, Lincoln, Liverpool, Maidstone, Manchester, Newcastle-on-Tyne, Oxford, Plymouth, Salisbury, Shrewsbury, Swansea, Worcester, York.

The examination is conducted by special examiners, from time to time appointed by the presidents of the several divisions of the High Court of Judicature, denominated Queen's Bench, Common Pleas, and Exchequer, jointly with the Master of the Rolls; and it may here be mentioned that the examiners in this and the "Intermediate" examination have power to give minus or negative marks for careless or incorrect answers.

The Preliminary examination takes place at four periods in each year—viz., in February, May, August, and October—on such days as may be appointed, and of which every information can be obtained of the Secretary to the Incorporated Law Society; and unless exempt from such examination, one calendar month's notice, in the form prescribed by the society, must be given to the society of the candidate's intention to present himself for examination.

The subjects on which candidates are examined are these:—1. Reading aloud a passage from some English author. 2. Writing from dictation. 3. Writing a short English composition. 4. Arithmetic: the first four rules, simple and compound, the rule of three, and decimal and vulgar fractions. 5. History of England, and geography of Europe and of the British Isles. 6. Latin, elementary. 7. (1) Latin, (2) Greek, ancient, (3) French, (4) German, (5) Spanish, (6) Italian.

With reference to subject 7 of the above, each candidate is examined in two languages, which he may select according to his pleasure; and it may be of advantage if I here state the last books chosen by the examiners. In Latin, Sallust, "Catilina," or Horace, "Satires," Book I.; in Greek, Homer, "Iliad," Book IX.; in French, Bernardin de Saint Pierre, "Paul et Virginie," or Voltaire, "Tancrède;" in German, Schiller, "Geschichte des Dreissig jährigen Hriegs," or Lessing, "Nathan der Weise;" in Spanish, Cervantes, "Don Quixote," Chaps. XV. to XXX., both inclusive, or Moratin, "El sí de las Minas;" in Italian, Manzoni, "I Promessi Sposi," Chaps. I. to

VIII., both inclusive, or Tasso, "Gerusalemme," cantos 45 and 46, and Vobie, "Eton Italian Grammar."

When the candidate has passed the examination, or should the examination not be required, he will have his articles engrossed and stamped.

The term for which a candidate is articulated is *five years*, unless he has graduated at one of the Universities, or has been a barrister, or has been employed as a *bonâ fide* clerk to a solicitor for ten years before the date of his articles, and has been during that term *bonâ fide* engaged in the transaction and performance, under the direction and superintendence of such solicitor, of such matters of business as are usually transacted and performed by solicitors, and can satisfy the examiners that he has faithfully, honestly, and diligently discharged his duties, in each of which cases the term is only *three years*.

If the candidate has passed either of the following examinations—the First Public examination before Moderators at Oxford, or the Previous examination at Cambridge, or the examination in Arts for the second year at Durham, or the Matriculation examination at Dublin or London, and has been placed in the first division of such examination, then the term for which he has to be articulated is only *four years*.

An articulated clerk, bound for four or five years, may serve for one year with the London agent of his principal (if he is articulated in the country), and one year with a barrister or special pleader. If he is bound for three years, he may only serve one year with his principal's London agent.

The duty payable to the Government for the stamp on the articles is £80, and this must be paid before their execution by either party, otherwise a penalty of £10 for each year, or fractional part of a year, is incurred, and invariably enforced.

After the Articles of Clerkship have been duly stamped and executed, they must be enrolled and registered at the Petty Bag Office, Rolls Yard, Chancery Lane, within six months of the day on which they were executed, and such date must be verified by affidavit. Should they not be enrolled and registered within this period of six months' service under the articles, they will only count from the date of enrolment and registration, unless a special order from one of the judges is obtained.

Within three months after the enrolment and registration at the Petty Bag Office, the articles must be produced and registered at the Registrar of Solicitors' Office. Should this not be done, service under the articles will count only from the day of production and entry, unless a special order from the judge is obtained.

In either of the above cases of non-registration or non-production within the prescribed time, notice of any application to the judge for a special order must be given to the Registrar of Solicitors.

After the execution of the articles the candidate is fairly launched into his profession; and he may lay down this golden rule for himself:—That upon his own energy, and the manner in which he conducts the several duties and trusts reposed in him, will depend

his chance of success, and the position he will take in the honourable profession he has entered.

The articulated clerk (for such is now his proper title) must, within the six calendar months next preceding the day on which he shall have completed half his term of service, pass the "Intermediate" examination. This, as also the "Final" examination, is only held in the hall of the Incorporated Law Society, in Chancery Lane, London, on such days in January, April, June, and November as the examiners may appoint, and it is compulsory to pass both examinations; and the student must give one calendar month's previous notice in writing to the Registrar of Solicitors, before one of the days appointed for such Intermediate examination as he may select (provided such day is within the specified period of six months), of his intention so to be examined. These appointed days can be ascertained by application to the Secretary of the Incorporated Law Society.

The student must however, in addition to the above notice, leave with the Registrar of Solicitors his Articles of Clerkship, duly stamped and enrolled, twenty-one clear days before the examination day, with the answers to the questions as to due service and conduct which are required. The questions can be obtained from the Secretary of the Law Society.

The subjects upon which the students are examined for the Intermediate examination are the purely elementary works upon the three branches of the law—Conveyancing, and Common Law and Equity (the two latter of which are now consolidated into one branch), and Mercantile Book-keeping. Upon the three first subjects he ought not to require any "coaching," as by this time, if he has taken any interest whatsoever in his profession, he must be master of the books upon which the examination takes place. Upon the latter subject I can only say a lawyer's office has been and always will be the last place in which to learn mercantile book-keeping, and therefore the candidate had better seek the assistance of a professional coach, or some reliable text-book.

Should the candidate fail to pass this Intermediate examination, he may attend for examination on the next or any subsequent day for examination; but if he has not passed his Intermediate examination before the expiration of twelve calendar months next after the date when one-half of his time of service has expired, his Final examination at the expiration of his term of service under his articles is postponed for so long a period as shall intervene between the expiration of such twelve months and his passing such Intermediate examination, or for such shorter period as the examiners shall in each case direct.

This latter exception is to avoid any injustice being done through unavoidable circumstances, such as illness, family bereavement, or other circumstances of a similar character preventing his attendance.

After the candidate has passed the Intermediate examination, he should—and *must*, if he goes in for "honours"—"read;" and he can, advantageously to himself, avail himself of the liberty he has to read with a barrister or special pleader.

The fee usually paid to a barrister or special pleader is 100 guineas.

Let him not, however, put himself under the tuition of a "crammer," for he may rest assured that if he carefully considers the different subjects he has to master, and lays out for himself, or under the direction of a barrister and special pleader, a solid basis of methodical reading, he will attain a more sound knowledge of the law, and be better qualified for his profession, by reading alone, than in obtaining the superficial knowledge imparted to him by a "crammer."

Where, however, the student has not the advantage of reading with a barrister or special pleader, or of ready access to the several treatises on the different branches of the law, from which a perfect knowledge of the principles upon which every decision is founded can alone be obtained, then it may certainly be advisable for him to place himself under the supervision of one of those gentlemen who undertake to prepare students for their examination with the view solely of passing them through.

The "honours" offered to the students of the profession are few, and intrinsically of little value, but none the less are they "honours;" and it is not and cannot be a slight honour to obtain them when you consider that in every examination you have to compete with about 130 other men, and to obtain honours you must pass (subject to a qualification as to age) in the first five.

The honours offered for competition are these, and unless otherwise specified they are given at each examination:—The Clifford's Inn Prize, the Clement's Inn Prize, the New Inn Prize, the Incorporated Law Society's Prize.

Mr. Timpron Martin's Gold Medal. Open to those candidates only who are not above twenty-five years of age at the time of passing their examination, and who have been originally articulated to a solicitor carrying on business in Liverpool, and have passed not less than two-thirds of the entire period of service under the Articles of Clerkship in that town. The medal is awarded after Michaelmas term in each year.

Mr. John Atkinson's Gold Medal. Open to those candidates who are not above twenty-five years of age at the time of passing their examination, and who have been originally articulated to a solicitor carrying on business in Liverpool or Preston, and have passed not less than two-thirds of the entire period of their service under their Articles of Clerkship in one of those towns. The medal is awarded after Michaelmas term in each year, to the candidate who shall be considered by the Council to be first in order of merit, and having shown himself best acquainted with the law of real property and the practice of conveyancing.

Mr. Francis Broderip's Gold Medal. The medal is awarded after Michaelmas term in each year, and is open to those candidates who shall not have completed their twenty-sixth year at the time of passing their examination, and who shall have been examined in the then current year, and considered by the Council to be first in order of merit, and having

shown themselves best acquainted with the law of real property and the practice of conveyancing.

Mr. John Scott's Scholarship. Dividends on £1,265 preferential £4 10s. per cent. stock, 1863, in the London, Brighton, and South Coast Railway Company. The scholarship is open to all candidates who shall have entered into Articles of Clerkship in England or Wales, without regard to age or period of service of clerkship, and is tenable for one year. The scholarship is awarded by the Council, at or after the Final examination in each Michaelmas term, to the candidate who, in that term, or in Hilary, Easter, or Trinity term preceding, shall have passed such Final examination, and who, from his acquaintance with the theory, principles, and practice of law, shall, in the opinion of the Council, be best entitled to the scholarship.

The Birmingham Law Society's Gold Medal (£10). Open only to those candidates who have been originally articulated to a solicitor practising in Birmingham, and who have passed at least two-thirds of their term of service under articles in Birmingham, and who are under the age of twenty-six at the time of their Final examination. The medal is awarded after Michaelmas term.

Certificates of merit are also granted to such students as the examiners may recommend.

The student having made up his mind to be examined for his Final examination, must, in the next place, see that the requisite notices are given and other forms complied with.

The examinations are held in January, April, June, and November in every year, at the hall of the Incorporated Law Society, and the student must give notice in writing, signed by himself or his agent, six weeks at least before the first day of the month in which he proposes to be examined. The notice must be sent to the Incorporated Law Society, of whose

secretary the form of notice can be obtained. He is also required to leave his Articles of Clerkship and assignments (if any) with the secretary of the society at least twenty-one days before the day on which he is desirous of being examined, together with answers to the questions as to due service.

After the clerk has passed his Final examination he has to be admitted, and notice of admission must be given six weeks before the first day of the month in which the clerk proposes to be admitted. This notice is delivered at the Petty Bag Office, and must state the clerk's place or places of abode or service for the last preceding twelve months, and the name and place of abode of the solicitor or solicitors to whom he was articulated or assigned. Clerks who do not attend the examination for which they have given notice, or who have not passed the examination, or who have not been admitted, may renew the notices within one week after the end of the month for which such notices of examination and admission were given.

The fees payable on admission amount to about £29 15s.

In conclusion, let me urge upon every intending student that it is of the greatest importance he should cultivate from the very first the principles of honour and integrity. In his professional career he will be called upon to exercise not only his ability and discretion on behalf of his clients in the divers legal matters upon which they may consult him, but to him will be frequently entrusted secrets of the most confidential character, requiring him to possess the highest sense of honour and the most incorruptible integrity; and to guard against those temptations which in this possibly more than any other profession beset his path, he must early and assiduously cultivate those principles which can alone insure him the confidence of his clients, and the esteem and respect of his professional brethren.

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### MY LITTLE TREASURE.

**W**OULD you know my little treasure,  
Rarest, priceless beyond measure?  
Come with me;  
Look and see—  
Ripe lips brimming o'er with pleasure—  
Laughter—loving Marjorie!  
Little darling, bright eyes gleaming,  
Full of thought and tender dreaming—  
Thought for me!

Look and see  
All the love that there is beaming—  
Sweetest, dearest Marjorie!

Little daughter, full of laughter,  
Whom the sunbeams ripple after,  
Dear to me;  
Look and see  
All the love that I would waft her—  
Best of treasures, Marjorie!

G. W.

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### THE GATHERER.

#### A Shooting Fish.

The inhabitants of the sea include some very singular characters. In the illustration we have one not only remarkable for its eccentric form and the bold beauty of its tints, but for the extraordinary

manner in which it obtains its food. It is called the Beaked Chætodon (*Chelmo rostratus*). The reader will observe its curiously elongated muzzle. This muzzle it uses just as a boy does a pea-shooter, darting drops of water through it at any flies or other insects it sees