

BARRISTERS' CLERKS.



DICKENS, Trollope, and the lesser novel-writers without number, have painted no character more frequently than that of the attorney's clerk. In the "American Senator," the very last novel from Mr. Anthony Trollope's

pen, we find this personage again make his appearance, and again find that he is as unpleasant and commonplace a mortal as fiction, when it gives us every-day characters, could fairly invent. But this love for the attorney's clerk makes it a matter of surprise that the much more limited, but probably more important class in real life, the barristers' clerks, have had so little attention paid to them. To the outside world they are an almost unknown part of the legal machinery; but a professional lawyer or a litigant will very often tell you that the barrister's clerk is a most important being. Not a little of the outcry which sometimes arises against the large fees of popular advocates is caused by the rapacity of some of these curious members of society, and not a little of the credit which an attentive advocate gains is frequently due to a conscientious and painstaking clerk.

But the career of a barrister's clerk is probably more the sport of chance than that of almost any member of the community; for his earnings depend entirely on the fees of his master, and the choice of a master whom he may serve is generally a mere piece of bad or good luck. The ordinary clerk begins his career at the age of fourteen or fifteen, either as the sole clerk of one or more youthful, and probably briefless barristers, or as "the boy" under the experienced clerk of some barrister in large practice. In the first of these cases, it may be that he becomes the servant of a future legal luminary, and the boy of fifteen with his 5s. a week may close his career with £250 per annum, and a legacy of £4,000 or £5,000 on the death of his master. It may be that this master has risen to be a judge, and therefore his clerk attains the proud position of a judge's clerk, and swears in special jurors at the assizes, and lectures them for being late at court with all the importance which attaches to his position. It may be, again, that the boy hits originally upon a master whose career for various reasons is not that of a successful lawyer, and the man of fifty may in the end be very little better off than the boy of fifteen. Such are some of the lotteries in the career of barristers' clerks.

In the case of a boy under an old clerk, if he is fairly steady, and what is of equal importance, quick in mind, he may be almost sure of a successful career, and in time either take the place of the senior clerk, or obtain a situation as sole clerk with some younger barrister who, with a rising practice, is desirous of a vigorous and useful clerk. But the early life of the

barrister's clerk is one somewhat dreary in its character. For what can be in greater contrast with the brightness of boyhood than to sit for hours in a dingy set of chambers, with an occasional moment's play with some equally dull "chum," as a message is taken to another set of chambers? In this respect the life of "the boy," or second clerk, is more to be preferred; for while his work is harder, it is more active. He is continually sent messages, or with books to his master in court. He is left watching the final speech of a counsel at Lincoln's Inn or Westminster; and as soon as the judge begins his summing up, he has to hurry up the Thames Embankment to fetch his master for the succeeding case. Hence, as will be very apparent, not a little of his success in life depends upon his quickness and attention. For if there is one thing more than another which a barrister in large practice thoroughly abhors, it is a stupid or forgetful boy. But of course it is the older clerk to the barrister with business in whom we find the true specimen of the legal genus—the barrister's clerk. There is a story of an organ-blower who refused to continue his occupation until his employer consented to allow that they both played the organ. This story would not be very inapplicable to the barrister's clerk. "We are doing pretty well these assizes"—"We are having a good many briefs in Parliament this session," and such-like phrases betoken how closely allied the clerk considers himself to be with his master and with his master's work. Indeed, in some branches of the profession, as for instance in that of conveyancing, an experienced clerk will be able to do not a little of the work in those portions which do not require more than ordinary legal knowledge. Again, the clerk to one of the judges of the Common Law Division has within the last few months published a work on the practice in the "Judges' Chambers." Nor will a thoughtful clerk be forgetful that his livelihood depends on his master's health, and he will often compel him to seek a holiday when he thinks it needful. Frequently, too, the barrister will take up a case solely on the advice of a clerk; and as to fees, many clerks have this portion of the work in their own hands. "What will you charge in *A v. B?*" is a frequent inquiry of the master to the servant. It must be very obvious, therefore, that this position is one of great trust, and on the whole the clerks are a singularly trusted and trustworthy body of men. Now and again a black sheep is found, but it is a rare occurrence. But if there are any persons whom clerks distrust more than another, it is their brother-clerks; and though they are generally on excellent terms, they are always very suspicious of each others' doings in regard to the obtaining of briefs and intercourse with would-be clients. It may be well to observe that each single guinea which a barrister receives is actually in specie £1 3s. 6d.—the half-crown being the clerk's fee. Any sum up to £5 will carry with it only this same sum; but after that the increase

of the barrister's fee means an increase in that of the clerk; but in the same way by steps, as for instance 5s. between £5 and £10. There is, then, a very natural wish on the part of clerks to get as many and as large fees for their masters as is possible.

A clerk to a Queen's Counsel in large standing practice will often make £200 or £300 a year; but it is often an evil day for the clerk when a learned junior, with no great powers of oratory, is moved by ambition to seek the dignity of a Queen's Counsel, and obtains in consequence fewer, and though larger, yet by no means enough, fees to make his present equal his past income. Of course, there are all sorts of varieties among these men. Some are desirous of acting the part of the grand gentleman, and appear in the most gorgeous rings, the most brilliant scarves, and the longest frock-coats. Others affect a more sporting character; whilst others again dress and look as solemn as undertakers. As far as regards critics of the bar, none are sharper or more to the point than the

clerks. From their teens they have employed not a little of their time in discussing the various merits or faults of the highest and lowest members of the legal profession; and among no class of men is an appointment to a judgeship received with more scorn or approbation, according to the merits of the new recruit to the bench, than among the clerks at the Temple or Lincoln's Inn.

Such are some of the chief traits noticeable in this class of the legal profession. Without efficient machinery, even in its smallest parts, the best piece of mechanism is useless; and without an efficient clerk the busy barrister would never get through the work which falls to the lot of the modern advocate in large practice. We would not detract from the humorous or the business characteristics of the attorney's clerk, but his legal brother is equally deserving of some slight passing notice by those who are not brought into daily contact with him in the various sides of his comparatively humble but not unimportant services.

A TALK OVER A TEA-POT.



YOUR talk might well go on while the tea was drawing, but we want the tea to be good and so we must begin at an earlier stage than the tea-pot—at the kettle. We English ought to

know all about tea-making. We drink more tea than any other nation, and yet (we are told) we know nothing about it. Let us fill the kettle with cold water, put it on the fire, and talk over the subject while we wait until it boils.

We will take the history first. But as to that we have not to go far back. Two centuries ago tea was unknown to our ancestors. It is difficult to think of the breakfast-tables of those days, with the nut-brown ale as the only beverage. People would breakfast at six or seven in the morning, dine at twelve, and sit down to a dissipated supper—say at half-past five. In China, India, Arabia, Tartary, Persia, and other barbarous countries, the inhabitants were sipping tea out of little blue and white cups that would fetch their weight in gold now, while our civilised progenitors drank beer out of pewter. It seems so strange, but yet it is true. The Dutch were the first to bring the little leaf to Europe. They were the great merchants of those days, and were always introducing from the East new sources of commerce. But tea was to

come to Europe as a drug before it became popular as a drink. In 1641 a Dutch doctor, by name Tulpius, wrote the praises of the new medicine, and twenty years afterwards tea had passed from the apothecary's drawers to the round tables of the restaurant. Then an English peer took it up. It is recorded of Lord Arlington that he was the first to bring tea into England. What a luxury it was may very easily be guessed; and then the price was almost prohibitory. The East India Company got the monopoly of the tea trade between China and England, and on that occasion it presented the King with a truly royal gift. The gift was two ounces of tea; but then the price was a guinea an ounce.

Even 100 years later tea was still a luxury, and a rare luxury. As late as 1785 we get a curious little anecdote to show how local was its use. The Duchess of Monmouth had sent to one of her relatives, in Scotland, a packet of the precious leaf, and had not accompanied her present with directions. The tea was handed over to the cook to make, and his system, if not successful, was at least original. He boiled it well, carefully throwing out the water, which he regarded as poisonous, and then served up the leaves like spinach. The Scotch can make curious dishes out of a cabbage-leaf, but tea as a vegetable was an expensive experiment. And yet it has been put to a still stranger use. In Cashmere and Thibet it used to be taken as a soup; it was prepared with milk and butter, and salt and soda. The ingredients seem contradictory, and the programme uninviting; and uninviting the French author who tasted it found it to be. Bitter, muddy, and indigestible were the adjectives he applied to this singular *bouillon*. And yet he fared worse when he went further. In Kanawer they boiled the leaves for a couple of hours, then steeped them in cold water, mixed them with flour