

OUR UNPAID MAGISTRACY.

tion of those who, in early times, passed through the Inns, even actually practised, or intended to practise, at the Bar. Under the Feudal System, a knowledge of law was of vital importance to the landowning classes. The Hundred Courts and the Courts Baron were far from being mere registries of real property or tribunals for the execution of manorial rights. They were invested with considerable civil and criminal jurisdiction. The lord of the manor prided himself upon his civil rule as well as upon his martial prowess, though we learn more from history of the latter than of the former. It was not only cadets, but the future heads of noble houses, who became students of the Common Law. The wealthy lords of many manors were compelled to employ stewards to perform, at least, a part of their judicial functions, and that a considerable amount of legal learning was considered a necessary qualification for presiding vicariously over the Feudal Courts, may be gathered from Chaucer's description of the Manciple of the Temple :

"Of masters had he more than thrice ten
That were of law expert and curious,
Of which there was a dozen in that house
Worthy to been stewards of rent and land
Of any lord that is in England."

It is not necessary to suppose that many of the aristocratic students of the Inns went through the formality of being "called" to the Utter Bar. Most of them, probably, contented themselves with such elementary learning as could be acquired at the Inns of Chancery, without proceeding to the Inns of Court at all. It may be conjectured, that the expressions "men of the law," and "the learned in the law," used in the statutes of Edward the Third and Richard the Second, which have been quoted, were intended to include all who had received their training at the London Inns, whether actually called to the Bar or not. Justice Shallow is represented by Shakespeare as having been educated at Clement's Inn, and it may be inferred that he never proceeded to one of the Inns of Court, or he would have bragged of it as he did of his doings at Clement's Inn. It is not unlikely that Lucy of Charlecote, who sat for Shallow's portrait, was himself an ex-student of Clement's Inn, or some other Inn of Chancery, and selected on that account as a member of the Commission of the Peace. The supposition, that the expressions "men of the law," and "the learned in the law," may receive the liberal interpretation here assigned to them, and that membership of an Inn of Chancery was deemed a qualification for the Magisterial Bench, derives some confirmation from the fact that this was exactly the qualification required in those days for the exercise of

the profession of an attorney. The history of attorneys is somewhat singular. They were originally mere proxies, and before the thirteenth year of Edward the First, no one could be appointed to that office without letters patent. And for a considerable period after that date, the persons usually selected as attorneys were counsel below the degree of serjeant. By degrees the two professions became distinct, and attorneys were appointed exclusively from amongst members of the Inns of Chancery. For some time, indeed, this was the only qualification required; and it was not until the reign of Henry the Fourth, that a test examination of learning and fitness was imposed upon candidates for the office of attorney. So late, indeed, as the reign of Queen Anne, a rule was made requiring all attorneys to come to Commons at the Inns of Chancery. This rule has long been obsolete, and now the Incorporated Law Society alone superintends the legal training of solicitors. Such of the Inns of Chancery, however, as remain are yet in the hands of small coteries of members of the profession, who, under the names of "Principals," "Ancients," "Chief Rulers," &c., maintain many curious customs and ceremonies in connexion with these ancient Institutions, and dine in their respective halls three times during every Law Term. There are several remaining traces of the common origin and educational connexion of barristers and attorneys. Until quite recently a limited number of attorneys were admitted as Students of the Inns of Court, and there is even now a venerable solicitor, the last surviving possessor of this privilege, who makes a point of dining once or twice during every term in Gray's Inn Hall, where he takes his place next below the junior barrister for the time being. The sleeveless gown which is used by solicitors who practise in the County Courts is no other than the ancient law student's gown, worn still during the dinner hour alike candidates for the Bar at the Inns of Court, and by the remaining members of the Inns of Chancery.

It can hardly be doubted that attorneys were included amongst the "men of the law," upon whom it was thought desirable by our ancestors of the fourteenth century to confer a share in the duties of the magistracy. A statute, passed early in the present reign, and the propriety of which cannot be for a moment doubted, has, however, now virtually excluded practising solicitors from the Commission of the Peace.

The question is, perhaps worth mooting in our own days if it not feasible, as it certainly would be beneficial, to insist upon some degree of legal training as an essential qualification for the magistracy.