

## THE FRENCH BAR.

receive anything beyond the amount fixed by law. From time to time further regulations were made with respect to the duties of advocates, and it is almost amusing to read the repeated recommendations and injunctions addressed to the advocates to be brief in their pleadings, prolixity having been evidently a fault with the Bar of France at all times in their history. The limitation as to the amount of fees seems soon to have fallen into disuse, as we find that in 1453 the advocates were recommended to be moderate in their fees. One usage, which obtains in England at the present time, namely, the signature of counsel under the fee marked upon their briefs, was the subject-matter of an ordinance in the time of Henry III., and forms the occasion of a memorable incident. The king enjoined the Bar to write with their own hands beneath their signatures the amount of fees they received. The Bar refused to obey the injunction, and in truth resented it as an insult, and to show their determined hostility went in a body to lay down their functions, declaring that they voluntarily abandoned the profession of advocate rather than obey a law injurious to their honour. Four hundred and seven advocates in all thus solemnly protested against the ordinance. When the Parliament met there were no advocates to plead and justice was at a standstill. In the end the Bar succeeded. This is a very strong instance of the internal discipline of the French Bar, and of loyalty to their order, and affords, perhaps, the first example recorded of a strike. Be this as it may, we doubt if the Bar here would ever act as resolutely or so completely in union.

Our author thus describes what may be termed the organization of the profession.

"From a pretty early period in its history the Bar of Paris was accustomed to arrange itself by benches, in order that its members might meet and confer more easily. These benches were placed in the great hall of the Palais de Justice or in the adjacent galleries. In 1711, the advocates, formerly divided into eleven benches, were arranged in twelve. The first was composed almost entirely of seniors, and a few seniors were placed at the head of each of the others, after whom came the younger members, according to the date of their admission into the order. This organisation, however, was found to be very imperfect, and in 1780 the fifth bench contained 101 advocates, the seventh nine, and the eighth seven; while the tenth had ninety-five, and the twelfth ten. In 1781, a reform took place, and the order was divided into ten columns, each containing from fifty to sixty advocates. Each column elected two deputies, whose functions lasted for two years, and who might be re-elected. These deputies from the different columns, along with the former presidents of the Bar, constituted the council of the order, elected its presidents, watched over its roll, and maintained its discipline. The advocates were further divided into three classes—listeners (*avocats ecouterants*), pleaders (*avocats plaidants*), and consulting advocates (*avocats consultants*). According to the

ancient practice, the young licentiate from the University was presented to the court by one of the seniors of the Bar, and the president administered to him the oath to observe the laws, which he took standing upright, in his gown, with uncovered head, and right hand uplifted; in short, the ceremony of the oath seems to have been very similar to that at present observed at the Scotch Bar. A minute of the taking of the oath was then drawn up and signed by the senior, or, as he was termed in the olden times, the godfather of the young jurist. After taking the oath, the advocate might assume the gown, but he had not yet the right of pleading. He entered upon a period of probation, called *le stage*, which, by a decree of May, 1751, was extended to four years. Upon the lapse of this period, his name was inscribed in the roll of advocates upon the report of one of the chiefs of his bench or column. The pleaders (*avocats plaidants*) were highly respected, and had the right, not only of appearing in the Courts of Parliament, but also in all the inferior judicatories. The mutual exchange of papers was considered one of the courtesies of the profession, and, before pleading, the advocates were in the habit of making extracts from their briefs, containing the facts of the case, and communicating them to the plaintiff's counsel. Pleading and consultation for the poor was one of the established rules of the ancient Bar and every week nine advocates met in order to hold gratuitous consultations on the causes of the poor. The advocates, as at present, spoke with their heads covered, except when they pleaded before the King's Counsel. The consulting advocates—*avocats consultarii*, as they are termed in the old ordinances—held the highest rank at the Bar. They gave their advice to the pleaders, they regulated the affairs of families, and were entrusted with many matters of the highest moment. They had a bench set apart for them in Parliament, and were entitled to a seat on the *fleur de lis*. The head or president of the French Bar was, and still is termed a *bâtonnier*. This title dates back to the middle of the fourteenth century; but for a long time after that period it was an office of little importance. The name is derived from an ancient usage, according to which the staff (*bâton*) of the banner of St. Nicholas, the patron of the confraternity of advocates, was carried at the head of the order in processions and ceremonies. He who carried it was termed *bâtonnier*. So late as 1602, however, the dean (*doyen*) held the first place at the French Bar, the *bâtonnier* only the second. The latter is mentioned for the first time as the head of the order in 1687; and it is only since July, 1693, that he has had a legal title to be considered the head of the Bar. Formerly, the senior member of the order, by date of inscription on the roll, used to be elected *bâtonnier*. But as the great age of the advocate thus chosen often unfitted him from efficiently discharging the duties of an office requiring watchfulness and tact in no ordinary degree, the order determined to give up this principle of election. The *bâtonnier* is chosen for one year only; but since 1880 it has been usual, at the close of his first term of office, to re-elect him for a second year. The *bâtonnier* has the privilege of making his business appointments at his own residence, even with those wha-