

THE FRENCH BAR.

of the foremost men of their country, it is the history of the growth of liberal opinion, of enlightenment, and civilization.

The profession of advocate in France dates from a very early period, and although existing as a separate order earlier than the reign of Philip the Fair, the reign of that monarch is a very important epoch in the history of the French Bar. Philip made the parliament stationary, which formerly had followed the person of the king, and thus he greatly increased the power and influence of the Parisian Bar.

To a somewhat similar circumstance our own Bar owes perhaps its existence. In this country the 'Bar,' in the sense in which that phrase is commonly understood, cannot be traced further back than the thirteenth century, for it was not until after Magna Charta that the Courts of Law were permanently settled at Westminster, instead of following, as they previously had done, the king's person in his journeys through the country. Speaking generally, the French Bar is a provincial one, scattered over the country, while our own is metropolitan, the system of circuits in this country to a great extent obviating the necessity of barristers settling in different parts of the country.

The growth of business, however, has in England already attracted great numbers of the junior Bar into the provinces, and as unquestionably the present current of our long needed law reforms sets in the direction of centralization as from many centres, the result will be that our own Bar will become to a great extent provincial also. If this be so, we fear the result will be a degradation of the profession, which one would greatly deplore. The circuit system once destroyed, even the imperfect control the mess at present exercises would be destroyed, and all discipline would be at an end.

No one can read a book such as that of Mr. Young's without seeing how vastly the administration of the law, and how greatly its dignity, depend upon the character and conduct of those who are its ministers.

Already changes are at work (to which attention has been publicly drawn) which argue but ill for the maintenance of the traditional honour and dignity of the profession in this country. It would be well for the Bar (if for once the body would act as their brethren in France have done repeatedly) to consider, in view of changes which must operate upon them, whether it would not be desirable to organize some new and distinct method of discipline throughout the provinces, in forming local bars, with appointed officers, or some system or machinery whereby professional decorum and order may be maintained. With this special evil of provincialism to contend against, and under all the changes and vicissitudes through which France has passed, her advocates appear to have maintained unchanged the traditional character, dignity,

and political power bequeathed them by their Roman forefathers. This is due, we think, to the more perfect organisation of the profession in France, and to its loyalty to itself. In France the status of the Bar, and the conduct of its members, has been considered matter of imperial concern, and the State has, by positive enactment, laid down rules for its guidance.

Laws have been passed from time to time in France, regulating the conduct of the Bar. One law provides that all arguments calculated to injure the opposite party should be spoken courteously, and another forbids the advocate to make any bargain with the party for whom he pleads for a share of the matter in litigation. This latter rule would seem to resemble our own, save that the rules of conduct which obtain at the English Bar are purely consuetudinary, and the disability which the English barrister lies under from enforcing by action the payment of his fees seems to apply also to the French Bar. A subsequent law of Philip the Bold, published in 1274, imposes upon advocates the obligation of swearing that they will only take charge of those causes which they believe to be just, the refusal to take the oath being punished with interdiction. This rule opens up, no doubt, matters which have been subjects of keen controversy, with which we here cannot deal, but we will only say that in our opinion such a rule has only to be made to be practically abrogated. "If an advocate refuses to defend," says Lord Erskine, in his defence of Thomas Paine against the charge of publishing a seditious libel (this was in 1792), "from what he may think of the charge, or of the defence, he assumes the character of judge, nay, he assumes it before the hour of judgment."

The conduct of advocates in this country has been subjected to very little legislative interference. But a statute lately in force, and for all we know it may be so yet, passed in the reign of Edward I., A.D. 1275, enacts, "That if any serjeant, counsellor, or others, do any manner of deceit or collusion in the King's Court . . . he shall be imprisoned for a year and a day, and from thenceforth shall not be heard to plead in that Court for any man." And further, in that old book, the "Miroir des Justices," c. ii., s. 9, it is, among other things, ordained "That every pleader is to be charged by oath that he will not maintain nor defend what is wrong or false to his knowledge, but will fight for his client to the utmost of his ability." This injunction, our Bar we think, fairly carries out. The second and third articles of the French law which we have mentioned treat of the fee of advocates, which were to be proportioned to the importance of the cause and the skill of the pleader. The fee was never to exceed a sum equal to about 274 of our money.

In the year 1291, Philip the Fair confirmed the enactments of Philip the Bold concerning the fees of advocates and the prohibition to