

THE LEGAL PROFESSION IN ENGLAND AND AMERICA.

among the English bar towards their brethren in America, as many of us have had the very best reason to know and to feel. But still, with every disposition to put himself in our places, he cannot comprehend how such a man, who seems just as courtly and polished and learned as himself, can possibly ever condescend to be dogged by, it may be, a rather rough and disagreeable client for months and years, not only at his office and in office hours, but at his dwelling also; and at all hours and in all places; at home and abroad; in the railway carriage and by the wayside, and by letters innumerable; on all days, *fasti et nefasti*; before church and after church; at baptisms, and fasts, and festivals; not giving him time to eat or sleep in quiet; and ready, as the good patriarch said in his extremity, "to swallow down his spittle" before he dies.

We do not blame our English brethren for escaping, if they can, this awful ordeal. It is too sad a truth to be lightly spoken of; but it is the life of an American lawyer in full practice, and it ought not to surprise any one that the profession in other countries cannot comprehend why we submit to it. But we do, nevertheless.

It is a necessity which grows out of our perfect social equality among all grades and denominations of men. We doubt if the same degree of separation between the solicitor and counsel, or between client and counsel, exists anywhere else, as in England. We are sure this separation is much less rigidly enforced in Scotland than in England. In Edinburgh the members of the bar commonly have their offices at their dwellings, and there meet the solicitors and their clients; and in France there seems to be no reluctance among the most eminent *avocats* to meet both clients and the subordinate members of the profession, whether *avocats* or *avoués*, as the solicitors are there called.

We are not surprised at the recent movement in England to provide a more liberal basis for the intercourse of the different grades of the profession. We have watched the movement with sincere interest; not because we have any hope that it could teach any lesson which it would be possible for us to profit by. This is one of the subjects to which the maxim *nulla vestigia retrorsum* applies with invincible force. It would no more be possible for the American bar to adopt and enforce any rules of etiquette among themselves except those of the most general and unmeaning character, than it would to restore the wig and gown, which are certainly not without their significance and value in the English bar.

There is something about this matter of ceremonial, in America, which seems puzzling, when attempted to be viewed upon any basis of reason or consistency; or, to speak more artistically, in the affected terminology of the schools, when psychologically considered. There is no country in the world, probably, so fond of all manner of ceremonial, pertaining

to dining-room and drawing-room manners. And the same is true of all social fêtes, weddings included. The Americans seem willingly to make themselves a world-wide laughing stock, in all these matters, by their very excesses. But the moment you touch any such matter, or official dress or ceremony, unless it be in the army or navy, there seems to spring up a kind of competitive rage, to absolutely run the thing into the ground; as if they could never rest satisfied with the work of demolition. The movement in Congress to dispense with all diplomatic costume, by our representatives abroad, was a striking instance of infatuation in this way, which no foreigner ever will or can comprehend, except as an appeal to the popular prejudice, in our own country, against official ceremonial. That our ministers should be in advance of all others in dress and ceremonial everywhere else but at court, and positively barbarous there, is not easy of explanation, except upon the basis of an appeal to popular prejudice; and in that view it is scarcely respectful to the courts where we claim recognition, since commonly we expect the head of a household to set the pattern of ceremonial in his own house, and others to follow; and this furore in regard to diplomatic costume seems to be nothing less than an attempt to control such matters, both at home and abroad.

We have read Mr. Jevons' letter, upon which the movement in England, just referred to, rests, or to which it is primarily referable, mainly, if not exclusively; and we must confess that it strikes us as eminently reasonable, just and moderate. We cannot comprehend why it may not be adopted. But we know that such changes come about very slowly among long-established institutions in an old and stable order of things. We believe the order of solicitors dates no further back than the days of the Star Chamber; and that at first they had no very well defined office more than some members of the profession have among us, who assume to undertake what others will not or cannot accomplish. We hope we may be pardoned for an allusion to Mr. Jevons', which is mainly of a personal character. He is one of the leading solicitors in Liverpool; a gentleman of high culture and learning, both in his profession and elsewhere. We met no member of the profession in England, either within or without the bar, who seemed to us more calculated to do honor to himself and valuable service to his clients, in any department of practice, than Mr. Jevons. He seemed to us a gentleman whom no terrors could deter from doing his duty, and whom no influence could swerve one hair's breadth from the strict line of duty. There are many other honorable names of a similar character among the solicitors of England; among whom Mr. Edwin Field, so often mentioned by Crabbe Robinson in his *Diary and Correspondence*, is worthy of honorable remembrance, with whom as well as Mr. Jevons we formed a most delightful ac-