

FRENCH LAW AND LAWYERS.

Galignani's *Messenger* (Paris) has the following:

Chief Justice Edward Bermudez, of the Louisiana Supreme Court, who has been spending the summer in Paris, has just left on his way home. He said to one of our representatives the day before he started:

"To one who has some knowledge of French institutions and experience in the forum, it is easy to perceive the distinction of the members of the legal profession in France. As a rule, the lawyers, and, in many instances, even the *avoués*, are men who have enjoyed an early classical education. The former are required to go through a complete course of study of the law such as it is in the codes, on the statute book, and particularly such as it was in the days of the Roman Republic and Empire, and even in Greece. To these French lawyers the institutes of Justinian, the Codex, the Pandects, the Novels, which make up the famous Corpus Juris Civilis, are no sealed books.

"The wonderful writings of such eminent lawyers as d'Aguesseau, Montesquieu, Pothier, Merlin, Demolombe, and many others, are real monuments of erudition, which are respected even on the other side of the Atlantic, in Canada, Louisiana, Mexico and South America. The Supreme Court of the United States, though governed by the principles of the English common law, frequently quotes with marked admiration the rules recognized and announced by these illustrious French commentators.

"The French lawyers of the present day are remarkable for their precision in the statements of the facts involved in their cases, for the correctness of their references to laws and authorities, and for the close reasoning and logical sharpness of their arguments. This is doubtless due, in large part, to the fact that the judges on the bench are men of superior knowledge, integrity and experience, who can not and will not be deceived, and who would instantly rebuke and punish garblers; and it is also attributable to the circumstance that in civil cases after the parties have been heard, an attorney-general—there are several—ad-

dresses the court on behalf of the state, reviewing the facts, discussing the law impartially, and reaching conclusions which frequently carry the decision.

"It is curious to a common law jurist that, although cases are invariably determined by courts composed of several judges, sometimes of eighteen, as in the chambers of the court of cassation, the opinions of dissenters, if there be any, are never publicly announced, but remain covered by a special official oath of secrecy; so that the judgment is that of the court, including the minority, who must acquiesce in silence.

"When a case has been argued and submitted, the justices retire from their seats, assemble in the same room, forming a circle, and then and there discuss and adjudicate on the issues presented. A conclusion having been reached, the judges return to the bench, and the chief justice, covering himself with his toque, announces the *arrêt* or decree, while the lawyers in the case, who are present, stand up while the decision is being read.

"The presiding judge is the organ of the court and controls its operations. He receives higher pay than his associates; but when we take into account his exalted position and his responsibilities the salary becomes almost insignificant, which is true, by the way, of the judges in many other countries and even in the United States, with its 'surplus.'

"The judges wear the black gown, this being the case even with those of the court of cassation when sitting in the criminal chamber. But judges of the courts of *assise*, which administer criminal justice in the first instance, wear the red gown. The Attorney-General in attendance wears a gown of the color of that worn by the judges of the court before which he practices. Attorneys-General are considered to be magistrates belonging to the magistrature *debout*, or standing magistracy, while the judges who hear and determine cases, compose the magistrature *assise*, or the seated magistracy, or judiciary.

"The French jury consists of twelve men, whose verdict, even in capital cases, need not be unanimous. A bare majority suffices to convict, and the sense of the minority is