

BAGS AND GOWNS.

SELECTIONS.

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At an early period English lawyers began to adopt distinctive costumes. Indeed, since the time of Justinian the members of the legal profession have worn apparel indicative of their rank and calling. This was the natural expression of the ancient and mediæval mind, and was quite in consonance with a social condition which great faith was placed in forms and in ceremonials, and every class of persons was required to appear clothed in characteristic apparel.

In the reign of Henry VIII., when all the younger members of the bar and many of the older lawyers of eminence were adopting the gay costumes of the fashionable world, a series of restrictive rules were begun by the authorities of the four Inns of Court at London, and no less than a dozen orders were issued prohibiting the wearing of gay apparel. In 26 Eliz. the Middle Temple instituted the following regulations in regard to apparel: "1. That no ruff should be worn. 2. Nor any white colour in doublets or hose. 3. Nor any facing of velvet in gowns, but by such as were on the bench. 4. That no gentlemen should walk in the streets in their cloaks, but in gowns. 5. That no hat, or long or curled hair, be worn. 6. Nor any gowns, but such as were of a sad colour." But in 1660 the lawyers resumed their brave and fashionable attire, the judges donned their wigs and wore, in Court, velvet caps, coifs and cornered caps, and barristers were adorned with long bands and falling collars. But gradually these fantastic details of costume became less prevalent among the profession, and finally there remained only the bag and gown for the practitioners and the robe for the judges, which had been professional accompaniments uninterrupted for ages. The law is represented in the theatrical performances of Queen Caroline's time with a green bag in his hand; in the literature of Queen Anne's reign he is referred to in the same manner; and green bags were commonly carried by the great body of legal practitioners until a very recent date, while the king's counsellors, queen's counsellors, the chancery lawyers and the leaders of the common bar were honoured with the privilege of carrying red, purple or blue bags. The green bag was so characteristic of the profession in the reign of Queen Anne that "to say that a man intended to carry a green bag was the same as saying that he meant to adopt the law as a profession." But bags have disappeared entirely from the English courts, and the gown is the only distinctive species of costume which has withstood the advances of inattention to costume and plainness of dress, even in juridical, formal and conventional England. The robes of her judges, the silk gowns of her royal counsellors and leading barristers, and the stuff gowns of

her common law lawyers are likely to be perpetuated for centuries as being perfectly appropriate to an advanced civilization, as a concession to a sober demand for some distinctive professional insignia, and as becoming the dignity, solemnity, authority, and learning of the bench and bar. And it is much to be regretted that the profession in this country should be without any distinctive apparel, at least while in Court. We do not advocate a return to the costume of English judges and barristers of the Middle Ages—to wigs, coifs, caps, bands, and collars, or even to green, red, blue, or purple bags, for these (particularly all but the bags) would not become a dignified and learned profession in a scientific and intellectual period. But extensive use of the robe and the gown, we believe, would add lustre, distinction, and gravity to the bench and the bar, and would be an incentive to all wearers of these professional insignia to render themselves worthy the distinction.

The American lawyers before and immediately after the time of the rupture between the colonies and Great Britain adopted the contemporaneous manners and customs of the English lawyers. But the revolution effected a great change not only in the commercial and military condition of this country, but also in the spirit of the people; and it was sufficient to condemn anything not absolutely necessary for the preservation of life, to concede that it was "English." This influence, combined with the free and independent character of American at the close of the eighteenth and the beginning of the nineteenth centuries, was more than sufficient to abolish many social and professional customs and costumes which had been introduced from abroad and initiate a simple, unostentatious and even inelegant style of living and dress. But it appears to us that both of these elements (that of rudeness and newness of national life and that of prejudice against anything foreign) have been outgrown, in a great measure, in the United States, and that with our advancing power, education, and refinement, with the decline of national prejudice and the increase of our understanding of the proprieties, we ought to adopt some distinct dress for our lawyers. A learned English serjeant once said that "the farther he went west the more he was convinced that the wise men came from the east." But it seems that this observation needs a little modification, when we consider that the bar of St. Louis, a principal western city, have been the first in the country to adopt this wise habit of appearing in court in gowns. Perhaps it may be explained on the hypothesis that the practice was introduced by certain wise men who emigrated thither from the east. However that may be, in all seriousness we consider it both for the interest and the dignity of the profession that the robe and the gown be universally adopted in all our highest Courts. The Supreme Court of the United