

A BOOK ABOUT LAWYERS.

their lay clients in the coffee-houses fast by Westminster Hall and Inns of Court; just as the eighteenth century physician used to sit at an appointed hour of each day in his public coffee-room, and write prescriptions for such patients as came to consult him, while he drank his wine." The reader will recollect, that, in one of the series of Hogarth's pictures of "Marriage à la Mode," the young barrister, afterwards the lover and seducer of the wife, sits by and superintends the execution of the marriage-settlement: an office which professional etiquette would debar an English barrister from performing at the present time. So, too, as to interviews with the witnesses, whose testimony the English lawyer of the present day knows only from his brief. Roger North says he has heard Sergeant Maynard say, that "no attorney made breviate of more than the pleadings, but that the counsel themselves perused and note the evidences,—if deeds, by perusing them in his chamber; if witnesses, by examining them there also before the trial: and so," North very sensibly remarks, "were never deceived in the expected evidence, as now the contrary happens; the evidence seldom or never comes up to the brief, and counsel are forced to ask which is the best witness. But the abatement of such industry and exactness, with a laziness also, or rather superciliousness, whereby the practice of law forms is slighted by counsel, the business, of course, falls into the hands of attornies."

Fees and retainers, also, which it is now unprofessional in England to receive directly from the client, were, in Sir Matthew Hale's time, paid to the barrister from the client's own hand. Indeed, the modern English fashion, strictly subdividing legal labor and controlling the relation of lawyers and clients, did not come into vogue until the latter part of the eighteenth century. Lord Harwick studied in an attorney's office, and Lord Thurlow in a solicitor's. The ancient English bar, in this respect, resembled more closely the American than that of modern England.

Wigs, the distinctive adornment of both judges and bar of modern times, are but an innovation, and were imported from France at the restoration of Charles II.; and, though society in general afterwards dropped them, the profession, with its love for precedent, has retained this French fashion to the present day. Our green bags are a relic of ancient times. They are now never carried by English lawyers; but on the stage of the theatres, in the seventeenth century, they were always borne by them. In Wycherly's "Plain Dealer," Widow Blackacre upbraids the barrister, who declines to argue for her, with "Gadsbodkins! you puny upstart in the law, to use me so; you *green-bag carrier*, you murderer of unfortunate causes, the clerk's ink is scarce off your fingers." It appears too, that, in Queen Anne's time, these green bags were carried by attorneys and solicitors as well; for Ned Ward, in "The London Spy," observes of a dishonest

attorney, that "his learning is commonly as little as his honesty, and his conscience much larger than his green bag." Whether, in any or all these innovations on the ancient practice, any improvement has been made, may be a matter of divided opinion; but, in respect to another change, there can be but one. "In the seventeenth century," says Mr. Jeaffreson, "an aged judge, worn out by toil and length of days, was deemed a notable instance of royal generosity if he obtained a small allowance on relinquishing his place in court." Now the English people pay liberal pensions to those faithful servants and who have served them long and well. We still retain the ungenerous fashion of the seventeenth century.

The great rewards given to successful members of the profession in England, renders the lives of their distinguished lawyers the history of the country. Mr. Jeaffreson says the life of a lawyer comprises three distinct periods; first, the useful but inglorious labors of an overworked barrister; second, a term in which the more lucrative achievements of a popular leader are diversified by the triumphs of parliamentary warfare; third, the honors and emoluments of the woolsack or the bench. Including those peerages which have been won by persons whose families were first made noteworthy by great lawyers, as well as those won by actual lawyers, there were in the English House of Lords, at the time of the elevation of Lord Campbell to the peerage, three dukedoms, seven marquises, thirty-two earldoms, one viscounty, and thirty-five baronies, held by "peers who, or whose ancestors, have filled the judicial seat in England;" and the number is constantly increased by the ennoblement of successful men, the last of whom is Sir Hugh Cairns. In the reply of Lord Thurlow to the Duke of Grafton, already alluded to, he says, "The noble duke cannot look before him, behind him, or on either side of him, without seeing some noble peer who owes his seat in this house to successful exertions in the profession to which I belong." It would be foreign to the purpose of this book about lawyers, to give any thing like a detailed history of these men; but a curious and entertaining story is told of the Great Seal of England, and the vicissitudes to which it has been subjected. The seals, of which one may see the counterparts in any book of ancient English customs, are certainly not flattering portraits. Edward the Confessor, who is supposed to have set the fashion, appears to have been taken seated on a low stool, so that his legs, for the length of which he was noted, have scarcely that grace which might be desirable; and his knees are brought in painful proximity to his chin, making him resemble a trussed fowl rather than the "Lord's anointed." The conservative spirit of later kings probably induced them to copy their predecessors down to the middle of the eighteenth century, with some few exceptions