THE SUPPLEMENT

Addresses Delivered to the Law Students' Society for the Celebration of Its Fiftieth Anniversary

THE LAW STUDENT

An Address by the Right Honourable Sir John Latham, G.C.M.G., *Chief Justice of the High Court of Australia, delivered to the Law Students' Society on March 24, 1937.*

The existence of law students as a class depends upon the supposition that law is a subject which both requires and is worthy of studying. Strange as it may appear to us in this enlightened and illuminated age, it has not always been recognized that law was a subject which should invite the attention of students. The ancient societies with which people of the English race are most familiar are those of the Hebrews and of the Romans. In Hebrew history we see nothing of distinctive legal study. Law was in the hands of the priests. Even in the life of Rome, where the study of law was ultimately highly developed, it is only after several centuries of history that we see persons engaged in the active study of law. After the criticism of Sir Henry Maine by Mr. A. S. Diamond, who sets out to demonstrate with the utmost enthusiasm that almost every important proposition which Maine put forward is simply wrong, it may be regarded as out of date to refer to Maine for any purpose. We may, perhaps, however, be permitted to refer to what he says in his *Ancient Law* (p. 42) with respect to the jurisconsults of Rome. He speaks of "The vivid pictures of a leading jurisconsult's daily practice, which abound in Latin Literature—the clients from the country flocking to his ante-chamber in the early morning, and the students standing round with their notebooks to record the great lawyer's replies."

Jurisprudence has been described by Professor Zulueta (*The Legacy of Rome,* p. 187) as the one active intellectual pursuit of the Roman noble. The law of the Roman Empire was the result of jurisprudence, of the *responsa* of those skilled in law much more than of legislation. It represented what has been described as the steady tradition of a learned class. The *prudentes* of Rome did not constitute a profession controlled by a formal method of entry, examinations and the like. They formed a recognized social class, dependent upon tradition—a body of very able men, devoted to the study of law, and dependent for their livelihood upon their professional reputation.

At the time when the institutes of Justinian (about 533 A.D.) recorded and signalized the achievements of the lawyers of the Roman Empire, Great Britain was being overrun by Angles, Saxons and Jutes. Justice was administered in the folk moot in gatherings of the nobles and freemen. There was nothing that corresponded in the slightest degree to the great development that had taken place in Rome. Mr. Blake Odgers, writing of the rise of the legal profession,

says that "Our primitive ancestors seem to have lived very comfortably without the help of any lawyers."

Under both the Normans and the Plantagenets, however, the foundations of a specifically English system of justice were laid. Henry I, in the early years of the 12th century, introduced the system of itinerant Justices. Henry II, the first of the Plantagenets, was largely responsible for the introduction of the jury system, and in his reign the system of Justices going on circuit, to try civil and criminal cases, became fully established. During the reign of Edward I the three King's Courts gradually became defined in functions and characteristics—the Court of Common Pleas, for cases between subjects; the Court of King's Bench, for criminal offences; and for suits in which the Crown was concerned; and the Court of Exchequer, for matters concerning revenue. In the reign of Edward III the Chancellor began to decide suits according to Equity—seeking to provide a remedy in cases where no appropriate legal remedy existed.

The 12th century marked a revival throughout Europe of Roman law. The principles of Roman law became well established in Scotland. In England, however, the movement away from the national system of law towards the more fully organized system of Roman law was strongly resisted. The original legal advisers of the people in England were priests or deacons or ecclesiastics of some minor grade. Many of these had come to England from the Continent. They were learned in Roman law, that is, the civil law and in canon law (ecclesiastical law), both of which could be studied in books. They had no knowledge, however, of the ancient laws of England, many of which were unrecorded, which William the Conqueror had promised to uphold and maintain. They, therefore, were strong advocates of the civil law, and enemies of what Englishmen regarded as the law of the land. The nobles and the common people disliked the foreigners, and would have nothing to do with Roman law, all professing an intense admiration for their own law. The result was that in 1234 Henry III prohibited the teaching of Roman law in London, and the study of Roman law was in practice confined to the Universities of Oxford and Cambridge. In 1254 Pope Innocent IV prohibited the ecclesiastics from studying the common law. The result of these prohibitions was the establishment of the Inns of Court in London, between Westminster and Saint Paul's—Westminster, where the Courts were held, and St. Paul's, where the lawyers met their clients in the *parvis* in front of the Cathedral, or at the pillars of the Cathedral, just as the lawyers of Rome used to meet their clients and deal with legal questions in the Roman *forum*. The spirit of the times is well illustrated by the famous declaration made by the Barons when what was known as the Statute of Merton was obtained from Henry III in 1235—*Nolumus leges Angliae mutari*—a motto of complete and complacent conservatism, which is to be found upon the covers of all the books of the Supreme Court Library of Victoria.

The clergy had been largely in charge of the Courts and of all legal business. They endeavoured to introduce the rules of civil law into

the Courts as much as possible, but, as I have said, they met with a strong resistance which amounted to almost a national uprising. That great lawyer, Sir William Blackstone, refers to this contest in the introduction to his famous *Commentaries on the Laws of England,* where he explains why the common law had not been studied in the Universities. After referring to the important position which the clergy held in the early days of English history, he says: "The common law of England, being not committed to writing, but only handed down by tradition, use and experience, was not so heartily relished by the foreign clergy, who came over hither in shoals during the reign of the Conqueror and his two sons, and were utter strangers to our Constitution as well as our language. And an accident which soon after happened had nearly completed its ruin. A copy of Justinian's *pandects* being newly discovered at Amalsi soon brought the civil law into vogue all over the west of Europe. But it did not meet with the same easy reception in England, where a mild and national system of laws had been long established, as it did upon the Continent, and though the monkish clergy (devoted to the will of a foreign primate) received it with eagerness and zeal, yet the laity, who were more interested to preserve the old Constitution, and had already severely felt the effect of many Norman innovations, continued wedded to the use of the common law. King Stephen immediately published a proclamation, forbidding the study of the laws, then newly imported from Italy, which was treated by the monks as a piece of impiety, and though it might prevent the introduction of the civil law process into our Courts of Justice, yet did not hinder the clergy from reading and teaching it in their own schools and monasteries. "From this time" (he continues) "the nation seems to have been divided into two parties: the bishops and clergy, many of them foreigners, who applied themselves wholly to the study of the civil and canon laws, which now came to be inseparably interwoven with each other, and the nobility and laity, who adhered with equal pertinacity to the old common law, both of them reciprocally jealous of what they were unacquainted with, and neither of them, perhaps, allowing the opposite system that real merit which is abundantly to be found in each. This appears, on the one hand, from the spleen with which the monastic writers speak of our municipal laws upon all occasions; and on the other, from the firm temper which the nobility showed at the famous Parliament of Merton, when the prelates endeavoured to procure an Act to declare all bastards legitimate, in case the parents inter-married at any time afterwards, alleging this only reason, because Holy Church (that is, the canon law) declared such children legitimate; but 'all the earls and barons' (says the Parliament roll), 'with one voice answered, that they would not change the laws of England which had hitherto been used and approved.' "

In the 13th century there gradually arose a class of men who were not priests, and who devoted themselves to the study of national law. Let us again refer to Blackstone (pp. 21-22): The law "being then entirely abandoned by the clergy, a few stragglers excepted, the study

and practice of it devolved, of course, into the hands of laymen, who entertained upon their parts a most hearty aversion to the civil law, and made no scruple to profess their contempt, nay, even their ignorance, of it, in the most public manner. But still, as the balance of learning was greatly on the side of the clergy, and as the common law was no longer taught, as formerly, in any part of the kingdom, it must have been subjected to many inconveniences, and perhaps would have been gradually lost and overrun by the civil (a suspicion well justified from the frequent transcripts of Justinian to be met with in Bracton and Fleta), had it not been for a peculiar incident, which happened at a very critical time, and contributed greatly to its support.''

The peculiar incident to which Blackstone refers was the decision that the Court of Common Pleas, which was ''the grand tribunal for disputes of property,'' should be held in one certain spot, so that the seat of ordinary justice might be permanent and notorious to all the nation. In 1215, it was provided by Magna Charta, and confirmed later by Henry III, that the Court of Common Pleas should be held in a fixed place, and that it should not follow the King's Court in its travels. From this time the King's Court, except in times of plague, was held at Westminster; as we shall see, the legal profession made a home for itself and its students in the Inns of Court in London.

At the Inns of Court the practitioners of the law lived a collegiate life. They were excluded from Oxford and Cambridge, and in effect they established a University of their own. Edward I had directed the Judges to make some provision for apprentices of the law, and the King and his Council deemed ''the number of seven-score to be sufficient for that purpose.'' The apprentices hired houses in which they might live together and pursue their studies. These became the Inns of Chancery, each of which was attached to one of the four great Inns of Court—Lincoln's Inn, Gray's Inn, the Inner and the Middle Temple. In the days of Fortescue there were said to be about two hundred students in each of the Inns of Court, and about one hundred scholars in each of the ten lesser Inns of Chancery. Those who had reached the highest standard in the law were known as Sergeants-at-Law, and these Sergeants had their own Inns. These were what we would now call leaders of the Bar, who had been called to the Order of the Coif. The Coif was originally a cape of white silk, which was worn upon the head of the lawyer. When, in the 17th century, wigs found their way into the Courts, the Coif was represented by a piece of white cloth with a black edging, placed on top of the wig. The Sergeants were known as Brothers of the Coif. They were devoted, as Sergeant Pulling says in his book on *The Order of the Coif,* to the ''profession of the law,'' and were bound by a solemn oath to give justice to the King's people. To be a Sergeant-at-Law was an expensive privilege, and the ceremony associated with admissions, particularly in relation to the giving of rings, as described in Fortescue, make strange reading for the modern student.

I return now to the apprentices of the law. At the head of the profession, and exercising general control of it, were the Sergeants-at-Law and the Judges. Beneath that group at the four Inns of Court and Inns of Chancery were the various grades of apprentices of the law from the benchers and readers to the Inner Barristers or Students. Later, those who had the right of audience in Court were not included in the class of apprentices. The Inns of Court were the colleges which trained the students in the law, and which also called them to the Bar. The method of education was mainly a method of public discussion in Moots and Readings.

The Readings at the Inns of Court were conducted by Readers, who were chosen by the Benchers of the Inn (that is, the governing body of the Inn). They were selected from the senior utter barristers. Sir William Dugdale, in his *Origines Juridiciales* (p. 208), tells us something about the manner of the Readings. The Reader enters the hall of the Inn, "where the whole Society expects his coming, and resting at the Cupboard, doth there take the Oaths of Supremacy and Allegiance. Then he takes his place towards the lower end of the Bench Table, where the Sub-Lecturer doth first, with an audible voice, read over the Statute, or at least that branch of it that he had chosen to read on. This ended, the Reader begins with a grave speech, excusing his own weakness, with desire of their favourable censures; and concluding with the Reasons wherefore he made choice of that Statute. Then he delivers unto them his divisions made upon the Statute, which are more or fewer, as he pleaseth; and then puts ten or twelve Cases upon his first division; of the which the puisne Cupboard-man, before spoken of, makes choice of one to argue; and in his Argument, endeavours, what in him lyes, to oppose the Reader's conclusion. After him follow the rest of the Cupboard men standing at the Cupboard: then the Benchers, who are placed on a form opposite to the Reader, argue in their turnes; and last of all, the Reader himself, who maintains his own conclusion; and oftentimes such Judges or Serjeants at the Law as are of this Society, come to argue the Reader's Case; who at such time come always in their Purple Robes, and Scarlet Hoods, and are placed on a form opposite to the Benchers, with their backs to the Reader. All arguments being ended, Dinner is served in, where he entertains the Company with a great Feast, at his own table; with addition of one Dish extraordinary unto every Mess throughout the Hall."

The reading continued for a month, three weeks, and in later times no longer than a fortnight. At the end of the reading the lecturer made "a grave and short speech to them, tending to the excuse of his weakness, with desire of pardon for his errors committed; which forthwith is answered by the most ancient Bencher then present, who extolleth the Reader's bounty and learning; concluding with many thanks unto him: which ended, he taketh his usual place; and having put his Cases upon the division of that day, two of the Cupboard men argue one of those Cases, and a third desires to know Mr. Reader's

opinion therein the next Term: whereupon the Reader ariseth, without making any Argument at all; and taking his leave of the Society, retires unto his Chamber, and prepareth himself for his journey homeward, wherein the young Students, and many others, do usually accompany him for that day's journey, bringing him forth of the Town, with great state and solemnity; and at night, bestow a great Supper upon him in his Inne, at their own chardges; and the next Morning part company. Yet here the formal part of the Reading ends not: for at the first Parliament (as the formal meetings of the Benchers are still called) of the next term," a former Reader makes a great oration, "declaring the great learning and chardge of the Reader, together with the Statute that he read upon and his divisions thereupon made, with other words, tending wholly to the Reader's commendation. In answer whereof, the Reader makes another grave oration, in his own excuse; magnifying the learned Arguments of his Assistants and Cupboardmen, as also the good order and behaviour of the young Gentlemen; with thanks to them all, for so patiently bearing with his infirmities. After which, the Bench gives him thanks, and so they altogether sit down to Supper."

It will be seen, therefore, that it was not all work at the Inns of Court. Indeed, the Inns provided not only a training in law, but also a training in polite life. The revels at Grand Christmas were very magnificent. I take some extracts from an account of these revels in the Inner Temple, which is to be found in *The Accidence of Armorie*, by Gerard Leigh, 1612, published in *Master Worsley's Book* on the history and constitution of the noble society of the Middle Temple. The writer first refers to the persons who were present (p. 287):

"At the neather end of the same Table were placed the ambassadors of divers Princes. Before him stood the Carver, Sewer, and Cupbearer, with great number of Gentlemen-waiters attending his person. The Ushers making place to strangers of sundry Regions that came to behold the honour of this mighty Captaine. After the placing of these honourable Guests, the Lords Steward, Treasurer, and keeper of Pallas seale, with divers honourable personages of that Nobilitie, were placed at a side Table neere adjoyning the Prince on the right hand. And at another Table on the left side were placed the Treasorer of the household, Secretarie, the Princes, Serjeant of Law, the foure Maisters of Revels, The King of Arms, The Deane of the Chappell, and divers Gentlemen Pentioners to furnish the same. At another table on the other side, were set the Maister of the game, and his chiefe ranger, Maisters of household, clearks of the greene-cloth and checke with divers other strangers to furnish the same. On the other side against them, began the Table, the Lieutenant of the Tower, accompanied with divers Captaines of footbands and shot. At the neather end of the hall began the Table, the High Butler, the Panter, Clearks of the kitchen, Maister-Cooke of the privie kitchin, furnished throughout with the souldiers and Guard of the Prince. All which with number of inferior officers placed and served in the hall, besides the great resort of strangers I spare to write.

"The Prince so served with tender meates, sweet fruits, and dainty delicates, confectioned with curious Cookerie: as it seemed wonder, a world to serve the provision. And at every course the Trumpets sounded the couragious blaste of deadly warre, with noise of Drum and Fife, with the sweet harmony of Viollens, shakbuts, recorders, and cornets, with other instruments of Musicke. Thus the Hall was served after the most ancient order of the lland, in commendation whereof I say, I have also seene the service of great Princes, in solemne seasons and times of Triumph, yet the order heereof was not inferiour to any."

Some of the revels, however, were over-merry, and it became necessary to limit the exuberance of those who attended them. The dicing was regarded as giving occasion to much mischief by the people losing their money, and by apprentices stealing from their masters, and from time to time orders were made by the King and the Queen that "none shall play in the several halls at dice except gentlemen of the Society and in commons," and the winnings were to go to the butlers. It was ordered that no unworthy people should frequent the hall or use gaming there or in any room of the house. So also the setting up of the Lord of Misrule (the unruly ruler of the revels) was prohibited by Queen Elizabeth.

Towards the end of the 16th century the educational system of the Inns of Court began to fail. There were Judges' Orders providing, for example, that moot cases should not contain more than two arguable points, and that none of the Benchers were to argue more than two points. It is apparent that the Benchers had been monopolising the arguments and over-elaborating them so as to exclude the students from participation. Then the legal profession became very prosperous, and barristers became unwilling to act as Readers. The obligation to provide Readers' feasts was very onerous. Many who were appointed to the position were prepared to pay a fine rather than accept the proffered honour. These fines were part of the revenue of the Inns of Court. In 1680, for example, it was ordered that "every Reader should, in lieu of his Reading, pay into the Treasury of the Society two hundred pounds" (*Master Worsley*, p. 146). Further, the students began to evade attendance at readings and at moots. From time to time some of them complained that they were not provided with proper instruction. Attending exercises and residence were compulsory for students, but they evaded their obligations by sending deputies to readings and moots, and avoided the obligation of residence by entering into leases for a term, and immediately surrendering them. In time it became possible for students to discharge all their obligations by paying a sum of money.

The Judges made many orders in an endeavour to arrest the decline of legal education, but the orders were ignored. All attempts to re-establish the systems of legal education after the civil war and the 17th century failed, and such disorder prevailed in the Inns of Court that from the latter half of the 17th century to about the middle of the 19th century, candidates for the Bar were left to

their own resources. Richard Steele, writing in the *Spectator* in the early part of the 18th century (*Master Worsley,* p. 45), refers to the eldest son and heir being sent up to London, to be admitted to the Temple, not so much with a view of his studying the law as a desire to improve his breeding.

At last, in 1854, the Council of Legal Education was formed, representing the Inns of Court, which still possess the sole right to call to the Bar of England, and the Inns are now active and vigorous centres of forensic life.

Up to the present I have said nothing of the education of the other branch of the profession—namely, attorneys and solicitors. There is much that is vague in the history of the legal profession, and particularly is this so in relation to the functions performed in Court by attorneys. In early law, as Pollock and Maitland point out, "the old procedure required of a litigant that he should appear before the Court in his own person and conduct his own cause in his own words. For one thing, the notion of agency, the notion that the words or acts of Roger may be attributed to Ralph because Ralph has been pleased to declare that this shall be so, is not of any great antiquity. In the second place, so long a procedure is very formal, so long as the whole fate of a lawsuit depends upon the exact words that the parties utter when they are before the tribunal, it is hardly right that one of them should be represented by an expert who has studied the art of pleading: John may fairly object that he has been summoned to answer not the circumspect Roger but the blundering Ralph; if Ralph cannot state his own case in due form of law, he is not entitled to an answer. Still in yet ancient days a litigant is allowed to bring into Court with him a party of friends and to take counsel with them before he pleads." The litigant is bound absolutely by what he himself has said in Court, but he is allowed to disavow what a friend has said for him. The professional pleader comes into the Courts, not as a representative of a party, but "as one who will stand by the litigant's side and speak in his favour, subject, however, to correction, for his words will not bind his client until that client has expressly or tacitly adopted them."

It is otherwise with the attorney, for the attorney represents his principal: he has been appointed, attorned (that is, turned to the business in hand), and for good or ill, for gain and loss (*ad lucrandum et perdendum*) he stands in his principal's stead. In England and in other countries the right to appoint an attorney is no outcome of ancient folk-law, but a royal privilege. Thus it is only under a royal writ that a man can have a general prospective power of appointing attorneys to act for him in future litigation. Such writs are by no means matters of course; they usually recite some special reasons why an exceptional boon should be granted: the grantee is going abroad on the king's business, or he is the abbot of a royal monastery, and too old or infirm for laborious journeys. In the communal Courts a litigant could not appoint an attorney unless he had the king's writ authorizing him to do so.

It may be observed that the king's writ could not be obtained without the payment of a fee, and so, even in judicial proceedings, the plaintiff is said not to have issued a writ, but to have purchased a writ. In time, when leave to appoint an attorney had become a matter of course, the Judges were empowered to grant permission to appoint an attorney. A long series of statutes from 1235 onwards give this right in various classes of cases. It is thought that there might have been some general legislation giving this right, but if so it is lost. There was much legislation with respect to attorneys and there were statutes, which recite that ignorant attorneys are one of the troubles of the land, and require the limitation of the number admitted to act as attorneys. An attempt is still made by our University examiners to attain this useful objective. Attorneys during some periods were entitled to appear in some of the Courts, and, both in the Middle Ages, and later, advocates who appeared in Court dealt directly with their clients, not through an attorney.

Attorneys were persons who acted in relation to actions in the Common Law Courts, and they were admitted by the Judges of the Common Law Courts. The Courts controlled them, and it is reported that in the 16th century, in one case of grave misconduct, an attorney was thrown over the bar by order of the Court. The attorney was an officer of the Court, and subject to the discipline of the Court. The barrister, on the other hand, was not an officer of the Court, and was subject to the discipline of his Inn.

Solicitors were not in the Middle Ages members of the legal profession, but at the end of the 17th century they were as much a part of it as the attorneys. Primarily the term solicitor means a person who urges, prompts or instigates. In the law it gets the technical meaning of a person who conducts legal business on behalf of another, but who is neither an attorney nor a barrister. The solicitors originally were not agents in Court, but were persons who watched the interests of others engaged in litigation. They were employed to send a litigant early information from Westminster as to the next move of his opponent, or to watch upon his opponent's relations with sheriffs, possible jurymen or witnesses, in the county where the action was to be tried. The Paston letters of the 15th century show the necessity for adopting these precautions. Each attorney was appointed to one of the three Common Law Courts. He might be a solicitor in the sense mentioned in any of these Courts, or in the Court of Chancery. In the 17th century the term solicitor became associated particularly with the Court of Chancery, so that a solicitor is described by Jenks in his *Short History of English Law* as an agent who is specially charged with furthering or soliciting equity causes. In 1605 a statute was passed which treated solicitors as belonging substantially to the same class in the profession as attorneys, and which subjected them to similar rules. But Holdsworth says, "it is clear from the provisions as to their admission that, even then, the solicitor was regarded as inferior to the attorney." In the preface to the edition of the *Compleat Solicitor*, published in 1683, it is confessed "that every idle fellow whose

prodigality and ill-husbandry hath forced him out of his trade or employment takes upon him to be a solicitor."

From time to time there was a certain amount of hostility between barristers and other members of the profession. So much so that occasionally it was necessary to admonish barristers as to their behaviour in relation to attorneys and solicitors. If a member of an Inns of Court became an attorney or a solicitor he was expelled from the Inn, and this helped to feed what might be called a superiority complex on the part of the barristers. It was recognized, however, that not all attorneys were necessarily evil. For example, in 1656, the Bench of the Middle Temple, while objecting to the irregularity of attorneys entering the Hall, decided that, for the time being, they should be allowed to sit at one table in the Hall by themselves, and that members of the Inn should have "due respect to grave and able attorneys of long continuance."

There were other classes of practitioners in the scriveners, conveyancers and proctors of the ecclesiastical Courts. But all these practitioners now form one class with attorneys and solicitors. As I have said, their education was controlled by the Judges, and from time to time there were many complaints of the standard required for admission to the rules of the Courts. In 1739 there was formed The Society of Gentlemen Practitioners in the Courts of Law and Equity, and this Society did useful work in improving the status of attorneys. In 1831 the Society became the "Incorporated Law Society," and is now the Law Society. The Law Society now examines and controls the professional behaviour of solicitors and the admission of students seeking to be solicitors.

I have sought to present a sketch of what I hope may be regarded as some interesting aspects of legal education. It will be seen that in the early days of the profession there were features which are very different indeed from those which we find at the present time. It is now realized that the proper training of a law student is a matter of the greatest interest and concern to the community as a whole. The law student is preparing himself for a profession which recognizes that the justification for its existence is to be found not merely in the earning of a livelihood, but in the rendering of service to society in the administration of justice. The work of the law is such that it should engage all the intellectual and moral powers of those who are engaged in it. At the University, and during his term of apprenticeship under articles, the law student learns law from oral teaching and from books. He should be trained to realize the importance of ascertaining facts exactly and precisely, and of weighing evidence. Above all, he should learn to think, and to appreciate and to apply general principles. The training of a law student is incomplete if he simply attends lectures, reads his lecture notes, text-books, and the reports of cases. It is important that he should develop his powers of speech —as was done in the old readings and in the old legal moots. The Law Students' Society provides an admirable means of satisfying these requirements. The debates which take place in the Society

should help to save the student from that danger of idle logomachy which has always been regarded as one of the risks to which a lawyer is particularly subject. The man with ready powers of speech must beware of the danger of speech outrunning thought and exceeding knowledge. The lawyer needs all his knowledge, all his faculties, and all his experience for his work. He should have a knowledge of men and affairs. In these days in particular, he should have a knowledge of business and business methods, but almost any knowledge is likely to be useful to a lawyer.

It is a mistake to look at the work of the lawyer merely from a forensic point of view. A great deal of his work, particularly the work of a solicitor, is done in advising clients in matters of business, and some of his heaviest responsibilities are incurred in work of this description. He therefore owes a duty to his clients and to the public to make himself fit for the responsibilities which he is allowed by the law of the community to undertake. It should never be forgotten that the qualified lawyer has certain exclusive rights and privileges—he alone has the right of audience in the Courts whenever a litigant does not appear in person—he alone is allowed to act for another in many important transactions. Men and women entrust their lives, their liberty, and their fortunes to members of the profession. It is, therefore, a matter of vital importance to the community that we should have ideals which are worthy of the members of a profession which claims to be both learned and honourable.

The law is not a model of perfection, such as the enthusiasm of some of its former professors would have us believe. In these days the people can, by using their powers, make the law what the will of the majority thinks that it ought to be. The legal profession may properly, in some spheres, strive for improvements in the law. In our daily work, however, we must take the law as we find it, and faithfully obey or apply or administer its precepts.

The old Sergeants-at-Law were called *servientes ad legem.* They were servants of the law, and were sworn by this oath: "You shall swear well and truly to serve the Queen's people as one of the Serjeants-at-Law, and you shall truly counsel them that you be retained with after your cunning; and you shall not defer or delay their causes willingly, for covetess of money, or other things that may turn you to profit; and you shall give due attendance accordingly. So help you God."

The oath is an oath to serve the Queen's people, not to serve his own personal interests. Such service is still the duty and the honour of the profession to which we belong.