INAUGURAL ADDRESS

ON THE

ESTABLISHMENT OF A LAW SCHOOL:

BY

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WITH

A LETTER FROM LORD CHANCELLOR TRURO.

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A more general diffusion of legal knowledge desirable.

It is the general opinion of reflecting and enlightened men, at the present time, that Legal Education should be placed upon a more satisfactory footing, with a view better to accomplish for their important duties the members of the profession; and steps have been taken by the Inns of Court in this direction, ever since the conference of their delegates in 1847, over which I had the honour to preside. But no one who has considered the subject in all its relations, can fail to perceive, that if our efforts be confined to professional tuition, we stop short of the most important point of all; that valuable as such education must ever be deemed, there is a more catholic teaching of the law more valuable still; that the legal instruction of the community at large,—the giving to the people a knowledge of the laws under which they live, by which their rights are determined, their duties defined, their misdeeds punished,—is of incalculable importance to the state; while all who are called to the

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exercise of public trusts, not devolving upon lawyers, betray their trusts beforehand, if they fail to qualify themselves for their duties by learning the law, — whether they be lawgivers or those who elect them; sheriffs, magistrates, or jurors, prosecutors or witnesses, who aid in administering the laws; nay, county, and township, and parish officers, who aid in executing the laws; for upon the vestry as well as upon the bench, the light of legal knowledge must be brought to shine, if we would not have our most important concerns neglected or mismanaged.

In this sentence, with which I preface my observations, I have really anticipated their substance; placing as it were over the portal, a very full plan of all that the building will be found to contain. But I must now ask you to enter with me, and survey many things of which the value is not to be measured by the novelty; on the contrary, like the more costly pieces of old plate, little turns on the fashion — if by fashion be meant that which suits the taste of the day we live in. The object of our contemplation is not very attractive in its aspect; few flowers bestrew our path through its compartments; but how dull soever you may find whatever I have here to present, the importance of the subject, dry as it is, may secure me your patient attention.

It is not any part of my present purpose to discourse of the law's subtleties, or of any refinements whatever; my argument will be plain and homely. — I am to remind men of their every-day duties and substantial interests, and to show how these imperatively demand of all, or nearly all, a certain acquaintance with the laws under which they live. In simply using these latter words, we should seem almost to have proved that the knowledge of the law is the duty and the interest of all; for how is it possible that the rule of conduct should be followed unless it be well understood? or how can men know their rights unless they know the canon by which they are declared? It may, however, be as well first of all to illustrate by a few remarks this application of our doctrine to the community at large, without any distinction of the classes into which its members are distributed.

No doubt the great outlines of those duties which all laws are

framed to guard and enforce by penal sanctions, are sufficiently known by the instructions of teachers, lay and clerical, if they are not impressed by the dictates of natural conscience. Yet even in matters of a penal nature there are many things which persons wholly ignorant of the law may find encumber them with difficulty; for although the general principles of our moral duties are sufficiently obvious, and are therefore universally known, there are matters of positive enactment in the criminal code of every nation, and of those it is highly important that all should be aware. How necessary it is for all men to know the rights of self-defence, and the bounds which limit their exercise; to be aware, for example, of the violence which may be used to repel an assault, or resent an invasion of property! Or into what difficulty may not a person fall from ignorance of the law respecting conspiracy and its refinements, or of the law respecting compounding felony! The bounds which separate trespass from misdemeanour are most fit to be generally, and even accurately known, — nay, if any one would be safe in protecting his own property, he should be well aware of the limits between trespass and misdemeanour, and between misdemeanour and felony. All these things are matters of positive enactment — of arbitrary arrangement in the law, — matters on which our moral sense, our natural reason, gives no light, and affords no guidance whatever; and yet on all these matters our ignorance may lead to the commission of offences which the law severely visits, — or to the loss of rights which are clearly ours, and which, yet fearful of moving in the dark, we may not venture to assert or to defend.

Equally grievous in the ordinary transactions of life, and to all classes of the community, may prove the ignorance of the course of judicial procedure in criminal matters. How important is it for men to be aware of what rules limit the admission of evidence! How often have I been called on to advise men touching risks which they had run, in the belief that their own story, their own explanation, would be heard against that of another whom the law suffered to be heard while it closed their mouths? Acting on hearsay evidence is inevitable in the affairs of life; but uninformed men are

wholly ignorant of the relative value of testimony, even of the most direct and legitimate, believing that where there is an interest to bias the mind the informant cannot be trusted, and they do not advert to the real weight of combined testimony, coming from unconnected quarters, even though given under the pressure of interest. An attention to the principles which guide Courts in dealing with evidence, is of material use in the affairs of life. How often have all of us in the profession, found parties committing themselves in writing by mixing with statements which they wished to produce, matter hurtful to their claims, not knowing that part of a document cannot be received without the whole!

But it is still more necessary for men to acquire some legal information touching their civil rights. Nothing, for example, can be more important than a general knowledge of the law which regulates the limitation of actions, in order that we may on the one hand be safe from unjust demands, and may on the other be vigilant in securing our just rights. The protection of one's own character, and the avoidance of injury to that of others, make a general knowledge of the law touching libel and slander exceedingly valuable. The law regarding written and parole evidence on contracts and guarantees is of daily application to all the ordinary affairs of life. The rules of procedure which make a tradesman's clerk or shopman admissible as a witness, but shut the customer's mouth, should be known by all who would be safe in their dealings, of whatever kind. The law regulating usury, and that regulating partnerships, are useful to other classes than traders. Again is it not material that some knowledge of the law of wills should be possessed by all who have anything to leave,—that the consequences of dying intestate should be well known to every father of a family,—and that the necessity of a will being duly attested and published should be familiar to whoever has either real or personal property to dispose of? But I would even say that some acquaintance with the law of real property is by no means a superfluous accomplishment for persons of any class. I will take an example of the evils produced by ignorance of this branch of the law, and I will only instance the rule in Shelly's case. It may

appear that this is at once to plunge into the depths of our science, or rather to lose ourselves among its summits,—*inter apices juris.* But it is not so. The celebrated rule lies as close as possible to the most plain and familiar principles of the law,—principles known to all. An estate to a man and his heirs is an estate in fee simple; to one with remainder to his heirs, the same. Transfer this to estates tail—an estate to a man and the heirs of his body is such an estate—so to one with remainder to the heirs of his body; so likewise to one for life, remainder to the heirs of his body; and even to one for life and no longer, with remainder to the heirs of his body—this is an estate tail; but also this is Shelly's case, and those other cases the extension, or perhaps I should rather say the application, of Shelly's case. So easy is it to explain that famous rule. Yet how often do we find the mischievous consequences of parties being wholly ignorant of it! *First,* Testators fully intending to prevent the first taker of their property from selling it, and disinheriting the objects of their bounty, possibly the principal objects, leave the whole to that person at his absolute disposal, and would be not a little astonished to find, that some half dozen years after their decease, it had been sold and the price spent, and those they meant to provide for living in the Union Workhouse. *Secondly,* Devisees in tail, supposing they only had life estates, are prevented from enjoying their property or raising money upon it at ordinary rates of interest. *Thirdly* and chiefly, Parties misled by the words of the will, and assuming that the sale effected by their predecessors was void when it was perfectly valid, fancy they have a claim to land which some other possesses by an unimpeachable title. I have known more false rumours prevailing in country districts respecting who was the rightful owner of such and such an estate, and more griefs and disappointments—including desperate attempts to recover property, and application to village lawyers for advice and aid—arising out of ignorance of the rule in Shelly's case, than from all other causes together. In canvassing a northern county many years ago, I had daily, I may say hourly experience of this. Hardly any of the yeomanry applied to me for advice in the case of some claim to property, that I did

not find his supposed right to recover the farm which his father or grandfather had sold, rested on supposing that words of limitation were words of purchase.

Akin to this is the ignorance of that which defeats a contingent remainder or executory devise. No man ever intended to make an executory devise too remote, so as to vest a fee simple or a fee tail in the first taker. Yet the law of perpetuity defeated the intention of testators by the score and the hundred, by holding a general failure of issue to be intended, I mean prior to the late act; so that of all persons in existence the testators would have been the most surprised, had they re-visited this lower world, to see what it was that they had really willed.

I have taken one or two instances, culled from the mass; but the truth is, that a vast number of others might be cited, to show how impossible it is for parties to carry their own intentions into effect without some knowledge of the law that governs the disposition of real property. Men of large possessions have professional aid ever at their command; but persons in humble circumstances have no such help at hand, and they are directly interested in avoiding fatal mistakes. The first thing in making a disposition of property is to have a clear notion of your own intentions; the next, to avoid doing that which the law will not permit; the third, and it proves often the most hard of the three, is to take care that you do not express inconsistent or incompatible intentions; for in that case the law must needs choose for you, and may give force to the one intention which, had you been aware of it, you would have waived in favour of the other. This, of having two incompatible intentions, or, at least, of expressing two incompatible meanings, is the source of most difficulties in the construction of wills: for, as the law must proceed by general rules, and as some effect must always, if possible, be given to the words used, the only guide is to take the words in their legal, often different from their ordinary, sense.

But observe another respect in which all classes have an interest in acquiring some little legal knowledge. Every one may have the misfortune to be involved in legal proceedings, and consequently be under the necessity of seeking profes-

sional assistance. Much of the evil of Courts of Law and Equity, so justly complained of, is owing to the ill-devised rules of practice in this respect. But no rules can be so contrived as to protect clients against malpractices of any kind unless they will themselves exert some vigilance and controul. It is in vain to say you leave men to guard their own interests; if they are wholly ignorant of what is going on in their own affairs, they can exercise no vigilance at all. A little knowledge of law proceedings would enable them to watch and to interfere. Nay, it would be most profitable to them if they only knew so much as that no bill for work done needs be paid until it be taxed, — that is, thoroughly examined by an officer of the Court. They may not understand the lawyer's bill more than they do a watchmaker's; but they should know that they have a much greater protection against the attorney than against the mechanist.

I have said enough to illustrate the advantages of all the members of the community learning the principles of the law, without distinction of professions or functions; and this is truly the feeblest part of the case: for, let us only carry our eye over the distribution of men into various classes, and we shall be convinced that such learning may become still more important; nay, in most cases, may be absolutely necessary.

Classes of persons suffering from ignorance of the Law.

Let us first turn our eye towards that most important of all classes in every community, the owners and cultivators of the soil; that class which can never be severed from it, never emigrate to other lands lying under other suns and other laws, never quit the place of their nativity and the home of their fathers, — whose fortunes are indissolubly bound up with those of their country, and must, with her welfare, wax and wane. This race is not more valuable to the state than it is worthy in itself; nor has it ever been doubted that as their industry is valuable, their habits simple, their character honest, so are their gains little to be grudged by any of their fellow-citizens.

"Pius questus," (said old Cato) "stabilissimusque, minimeque invidiosus; minimeque male cogitantes sunt qui in eo studio occupati sunt." ("Innocent are their gains, nor subject to sudden reverses, nor obnoxious to envy; and they who

pass their days in that pursuit are, of all classes, the least evil-minded.") Just, however, as is all the panegyric thus bestowed, it must be confessed that the agricultural classes are the slowest to extend their information, and that they, generally speaking, labour under great ignorance of many things with which their interests require they should cultivate an acquaintance. It has of late been much recommended that they should acquire some knowledge of mechanics and of chemistry, and the humbler science of accounts has been strongly pressed upon their attention and regards. I venture to add that they have frequent occasion to feel the evils of being unacquainted with the law. Their distance from professional assistance oftentimes makes it impossible for them safely to make bargains, and carry on their ordinary dealings, whether with their servants, or their neighbours, or their customers, without having, at least, so much knowledge as to be aware when any difficulty exists, and when they should pause in order to obtain professional assistance and advice. It is the result of my own experience in the profession, that many lawsuits hurtful to farming people might be prevented, were the caution exercised which a very moderate knowledge of the law regulating country affairs and the law of evidence would produce, if possessed by them, who become our clients when it is too late.

But if the swain, in his rustic transactions, finds some knowledge of law not a superfluous accomplishment, how much more needful must it be to the tradesman in the crowded town, and especially the merchant in the crowded city, — on the 'Change, where men do congregate from all countries, — the persons who daily are called upon, without a moment's warning, to make up their minds on questions involving considerations of a legal description, and who, at all times, are dealing with matters which positive law alone rules? The provisions of our Commercial Code, touching partnership, and principal and agent, — touching bankruptcy and insolvency, — touching commission and usury, — the law respecting contracts and sales, — the nature of securities, whether under seal or not, — the law regarding equitable and legal mortgage, — the pledge, whether of land, or goods,

or shares, or stock, — the law touching shipping and navigation, — nay, the law regulating the making and transfer of notes and bills of exchange, with all that touches the defeasance of such rights in one party by another party giving time, — the difference in respect of a party's equities who takes an instrument after and before it is due, — the effect of qualified acceptance, — the effect of notice or of assets or no assets, — with a variety of other things, familiar to every lawyer as is the alphabet, and which should be nearly as familiar to every mercantile man, that he may in safety conduct his business; — I need but mention these things summarily in order to illustrate the fundamental position which is the subject of my remarks, — the high expediency of more generally diffusing legal knowledge.

Hitherto of callings: proceed we to offices. The nature of our mixed constitution, the various forms, more or less popular, of our most ancient institutions, become more popular with the advance of society in modern times, call to a share in the administration of public business persons of a moderate, even of an humble, station. It may be affirmed with perfect accuracy that there is no owner of property, however small, certainly no one above the rank of a day labourer, who may not, if he so pleases, — nay, who may not, whether he like it or not, — be required to take his turn in doing duties of a public nature. The small shopkeeper, the small farmer, may be constable of a vill. On him devolves the important duty of keeping the peace, by aiding in the arrest of offenders, and preventing affrays and riots. He may be churchwarden, and entrusted with the management of parochial affairs, endowed with important privileges as regards the church, with yet more important functions as concerns the execution of the Poor-law. Can any thing be more manifest than that some legal knowledge is required for the discharge of these duties, and for the safe use of these powers? That the whole or even a large portion of the many laws made on those subjects should be familiarly known to such persons is, of course, impossible. But they should be acquainted with the general outline, and, above all, they should have their minds so far accustomed to take a legal

view of subjects as to avoid rashness and the errors that spring from it, and to know where they can look for more information. But even those who have not themselves any chance of being chosen to fill parish offices are, without any exception, the electors of the office-bearers, and must have some kind of knowledge what duties they are which the choice of any one calls him to perform, and what powers he has by virtue of the election. Disputes are without number daily arising in parishes regarding all these functionaries; first their appointment or election; next their duties or their privileges. Nothing can be more material than that some knowledge of them should be generally diffused, at least, so much as to guard against sudden error, and to let parties know when a difficulty arises and when it becomes necessary to seek fuller information, perhaps to apply for professional advice; and the remark now made is applicable to every class of the community, as well as those of whom we are now treating. It is often said that for health we are safe in the hands of an inferior practitioner of medicine, as an apothecary, if he knows enough of the healing art to be aware that a case has arisen to require the interposition of a physician or a surgeon. Nay, how advantageous would it be for us all, if every one possessed some such knowledge of diseases and their symptoms, and the signs of their approach! So it is most important that each class should know at least so much of the law affecting himself as to be aware when it is necessary to seek his lawyer.

But there are much higher functions than those which we have been considering, executed by very humble members of our community. They partake largely in the administration of civil and of criminal justice. Happily for our judicial system,—happily for the rights and liberties of the nation,—happily for the character of the people,—happily, most happily, for the stability of all orders in our constitution and the peace of society at large,—the trial of all questions of fact is by the course of the common law vested in juries taken indiscriminately from the middle and from the upper classes of the community. Nor can the Crown, by its prerogative, erect any new Court which shall not proceed by

this ancient and Saxon mode of inquiry. Nay, although the omnipotence of Parliament has from time to time created tribunals for distributing justice by Judges without jury, it has ever stopped short at the boundary which divides civil from criminal jurisprudence, and has never entrusted the trial for crimes to any bench of judges, unless for the most trifling offences, requiring rather a police than a judicial procedure. Accordingly it has been well said by Mr. Hume, that the administration of justice by jury is the object of all our policy —the end of all our institutions. All the provisions of our system—the pride, pomp, and circumstance of power, the prerogative of the Crown, the privileges of Parliament—all centre in this, all are framed with the design of bringing twelve unknown, obscure, insignificant men into the box where they are sworn to try the issue joined between the parties according to the evidence.

This it is that binds the people to the law; that identifies them with the State; that lends to all a direct interest in the distribution of justice, by vesting its administration in the hands of all; that, in a word, makes our government truly and literally popular, by placing its most precious branch actually in the hands of the people themselves, and not merely giving them a share in the legislature through their chosen representatives. In other countries, and I allude more especially to France, the feeling generally prevails, in the present day at least, that a citizen is of no importance unless he have some direct connection with the public service, —unless he be clothed with some official character. The wide diffusion of this sentiment is what they have gained by the progress of free institutions. The result is a general love of equality, to which the national character also easily lends itself, with mighty little regard for liberty of which they have no very particular relish,—with no care for fraternity, their other watchword, but expressive of no defined or intelligible sense at all. The impatience of a superior is to be ever displayed and even gratified at all hazards, while no one gives any heed to the most daring assaults, not only on public liberty but on personal rights, nor throws away a thought upon questions in which the most momentous

Contrast of England with France.

interests of the State are involved. The love of equality is insatiable; but it supposes an exception in each man's own case. He will have no superior, while unemployed; give him a place—clothe him with a function—connect him with the State—arm him with a little brief authority—above all, adorn him with a title as being a public officer—he will readily enough bend to those placed over him, only protesting all the while that he is not in his right position, for he ought to be the first—nay, peradventure, the ruler of the whole—according to Paul Courier's droll, but not unfounded remark, that whatever faults he might have, one merit he had, and alone had,—he was the only man in all France who did not firmly believe that he ought to be king of the country. From this desire of place proceed manifold evils, and none of the least is the corruption with which it taints the morals of the community—first their political morality, next their private. The eager anxiety for office, only to be matched by the fear of losing it when once gained, spreads the most baneful influence over all—all at least who may belong to the class from whence functionaries are taken. No compliances are deemed too high a price for the much loved possession—no versatility too great to ward off the blow, dreaded as fatal, of losing it. I have known a royalist prefect in a royalist province become by the communication of the telegraph a staunch republican functionary, without even waiting one hour for the confirmation of the incredible news that the monarchy had been overthrown in an hour by a Paris mob. His ready subserviency was, however, ill requited; a pastry-cook was preferred, and succeeded to the honours and powers which in other departments were bestowed on liberated galley-slaves under the reign of stern republican virtue. Such is the tie which binds the French to their government. A handful in each district aspires to public office, not occasional, but permanent — not gratuitous, but gainful—and to obtain it they lead the lives of sycophants, or agitators, or hypocrites. The rest of the people are wholly indifferent to State affairs so their general feeling is gratified, of having no great rank before their eyes, no lofty functionaries over their heads, nothing to break the dead level of actual equality,

which they have substituted for that wholesome equality of rights, whereby all are alike able to gain the heights of distinction by honest and unfettered rivalry in a wisely framed system of various rank and successive degrees.

Far otherwise are the English people connected with *their* political system. They actually but occasionally and gratuitously administer its most important powers without envying the classes peculiarly called to its more permanent official distinctions; and of the powers thus enjoyed by all, and spreading corruption among none, by far the most signal is their share in the judicial system. This it is which renders the administration of justice the main stay, the prop, the corner stone of our constitution. This is the compact belt which encircles the solid pyramid; the massive chain which binds with its links the whole of the vast structure, acting as a clamp to connect all its various and discrepant parts.

> *Εν δ' εθετ' ακμοθετῳ μεγαν ακμονα· κοπτε δε δεσμους*
> *Αρρηκτους, αλυτους, οφρ' εμπεδον αυθι μενοιεν.*
>
> On the huge anvil forged the massive chain
> Compact, unbroken clamp, the fabric to sustain.

Nothing can be more manifest than the importance of the people becoming acquainted with the first principles of the law which they are called upon to administer. Whoever has to act as a juror must be unfit well to discharge the duties of that important office if his mind is wholly strange to legal subjects. It is not necessary that he should know the minuter matters of the law; but a general notion of its provisions is essential; and this is to be observed, that a perfectly ignorant jury must needs be in the hands of the judge, having no opinion of its own, and thus the very end of the institution is frustrated. But more; the matters submitted to the jury's decision are partly law, on which they must receive the direction of the judge. Then a perfectly ignorant jury will not be able to receive these directions with intelligence, and thus be liable to commit the most serious errors. To take one instance,—a malicious prosecutor, or a malicious holding to bail, or a malicious suing out a commission or fiat of bankruptcy, is the ground of an

action to recover compensation in damages. The plaintiff's title to a verdict rests on two things, both matters of fact,—the existence of malice in the defendant, and the want of a probable cause for his proceedings. Now the fact of malice is for the jury's determination on the evidence; the fact of probable cause is for the judge's determination founded on the facts proved before him. I have repeatedly known a cause miscarry from the jury not clearly comprehending the line which separates their province from the province of the judge. They supposed, confounding the facts on which the judge gave his direction, with the facts showing malice, that there had been probable cause: believing in the latter they doubted the former, and thus found for the plaintiff, when the judge had decided that there was probable cause. A new trial could alone rectify this mistake. Now, I by no means intend to affirm that a minute knowledge of the law, as I have above stated it, is necessary to qualify a juror for satisfactorily dealing with such a case. But certainly a general acquaintance with legal principles would enable him clearly to apprehend the province of the judge when described in his charge, and when referred to in the arguments of the Bar.

Risk of ignorance in criminal cases.

In criminal cases the risk of error in a jury is far more perilous. But this danger arises less from ignorance of specific laws than from not having the mind well imbued with legal principles, and from not carefully weighing different kinds of evidence. Most jurors are fully aware that, to constitute guilt, there must be the guilty mind; so that they would not easily convict for an act which was of an equivocal nature; would acquit of the charge of theft if the taking were not *animo furandi*, or of murder if the design were not to take away life. But in applying this general maxim, how often do we see strange errors, the guilty acquitted, the innocent convicted! Jurors are very prone to regard some real or supposed ultimate intention, and, approving of that, to acquit, though the intent with which the act was done appeared plainly unlawful. Judging by the vehemence with which a New York paper lately inveighed against the audacity of a negro in walking down the street with a white woman

leaning on either arm, thereby exposing himself to a severe beating by the indignant spectators, I presume that an American jury would, in defiance of the judge's directions, have acquitted the rioters; for the Journalist exclaims, "Maddened justice defies laws, and we really do not see why it should not." The act of the mob punishing the audacious negro for considering himself of the same species with themselves, was considered innocent, although it was reprobated by the law. Mrs. Cosway, the eminent artist, was the survivor of four fine children, all but herself murdered by a nurse to save their souls, in peril, as she firmly believed, of hell fire, had they lived to be brought up as heretics by their Protestant parents; and the fanatical wretch was screened by the sanctuary, as well as acquitted of guilty intention by the bigoted voice of the public of Florence.

On the other hand, the commission of a grave offence begets, in ignorant jurors, a kind of thirst of vengeance: they must have some criminal; and they are very apt to be careless in examining if the one they are trying is or is not the real offender. The recommendations to mercy are frequently tendered under the grossest misapprehensions; such as the taking for the ground of it the want of sufficient proof to sustain some essential part of the prosecutor's case. The French juries, with their *circonstances attenuantes*, afford daily examples of such errors. Sometimes a matter of plain aggravation is made the extenuating circumstance, as when a young girl lately poisoned her father, that she might be enabled to marry her lover. The moral conviction of guilt which frequently is unsupported by sufficient evidence, leads many a jury to overlook this radical infirmity in a case; while a contrary impression not seldom leads to the overlooking of proofs sufficient to turn the scale against the party. The merits of the prosecutor and other accidental circumstances connected with the cause are, with the same disregard of all strict principles and well-grounded rules, constantly entering into the juror's mind; and sometimes the offender escapes because an unworthy party has been injured; sometimes, though more rarely, the balance which, if the scales hung even, should lean to an acquittal, is turned against the accused, because of the

favourable view taken, indeed, justly taken, of him who complains. A law is unpopular; yet, while it is unrepealed, the juror, as well as the judge, is bound, as he is sworn, to administer it in each case. But many jurors conceive it to be their right, nay, their duty, to disregard the legal provision they disapprove, to violate the law they are bound to execute. Injustice, and not justice, is thus administered. All these instances show the necessity of men's minds being imbued with legal principles, and learning at least the primary importance of abiding by the provisions of the law in administering criminal justice, — the paramount necessity, in every system, of having general rules, the infraction of which, by yielding to the influence of particular circumstances, is the greatest of evils is, in fact, exactly the mischief of abrogating all law and all civility, and recurring to a state of nature.

But if the juror requires some legal knowledge, how much more requisite is this in the magistrate? A large portion of our criminal justice is administered by unprofessional judges. The commission of the peace contains very few lawyers who ever sit on the bench, or act in private as auxiliaries to the police. Even the presiding justices are seldom men of legal education and habits; and yet how vast the amount of mischief that arises from errors or oversights at sessions, and in the procedure of single magistrates!

Legal ignorance of the Legislature.

But let us rise higher in our survey of the system, and turn our eyes from the administrators of the law to its makers; — from the stream with the declivities that aid, perhaps the cataracts that break, its course, to the fountain, the well-spring itself. Let us reverently, but without fear, — let us with a decent boldness — venture to approach the threshold of the Legislature, and consider the position of men called upon to exercise the highest of a citizen's functions, — to aid in the making of those laws by which the whole community is to be governed, right to be secured, wrongs vindicated, punishment by privation, whether of liberty, of life, or of limb, to be awarded for crime. But for one consideration, I should deem myself guilty of an impertinence in pronouncing a truism or self-evident proposition when I affirmed that law-makers must of necessity know something of the law;

that they who assume to change it should be aware of what they are altering; that they who would add to our existing laws should have some clear notion of what laws exist, if it were only to prevent the Statute Book from becoming a bundle of contradictions. Yet long experience unfortunately compels us to admit that these truths, how obvious soever, have failed to obtain the assent of our legislators. The general ignorance of law which prevails, more especially in the Lower House of Parliament, has long been very apparent, very often been proved in its evil results, and very often been generally complained of. The defect, indeed, is not of yesterday, nor is the complaint of its existence and its consequences recent. The common observation is, that to the most insignificant and the most easy handicraft, men must serve an apprenticeship; while for the most difficult and important none is either required or even thought of. But the reason is, that if imperfect workmen were to attempt shoemaking no one would suffer but themselves; while the people's foot is sorely pinched by incapable persons trying their hand at law-making. The duty of learning a little law is the more incumbent on every representative of the people, that no one in the Commons has the work of legislation cast on him, as he has that of serving on juries, or in the constabulary, or the shrievalty; for every man is a volunteer, and none are elected that do not eagerly desire to hold the place. The candidate who comes forward as much undertakes to provide himself with reasonable knowledge of the law, or, rather, as fully pledges himself that he has already acquired it, as a surgeon engages for his competent knowledge of pathology when he cuts for the stone, or an admiral for his nautical knowledge when he takes the command of the Channel fleet. It is a gross breach of good faith in any one to undertake either the surgical, or the nautical, or the legislative operation, without the accomplishments required to secure from danger the party subject to his attempts and sufferer from his failure. The surgeon and the admiral are ruined if they so deceive the patient and the country; but scores and hundreds of incapable legislators are constantly injuring the best interests of the commonwealth,

Particularly in the Lower House.

and the commonweal alone pays the price of their presumptuous incapacity.

For how clear is it that the worst mischiefs arise from hence! The one which first strikes us is, that all questions, not merely of a purely legal description, but which are in any way connected with matter of law, are left in the hands of professional lawyers. The rest of the assembly recoil from the consideration of them; it is forbidden ground to be avoided by all; it appertains to the sanctuary, not within the veil of the temple, but as near adjoining; *pur cause de vicinage* it is not to be looked at, much less profanely trodden by lay feet. Yet many of the most important general questions have such legal relations, and these are therefore turned over to the lawyers as within their exclusive province, which they manifestly are not. But, then, it may be said, on such questions it is better that professional men be consulted, —consulted certainly, as certainly not obeyed,—and for this plain reason, that you never can be sure of having professional men who ought to govern the decision. Nay, you never can tell what force of this description there is in the assembly. The Lords, indeed, have always amongst them high legal functionaries; yet even they are of uncertain number and value. Thus it is a mere accident that any lawyer but the Chancellor is a member of the Upper House; and no one can pretend that all questions connected with legal subjects should be left in his hands. The Lower House has often hardly any lawyer fit to dictate upon such subjects. But lawyers do not always, perhaps do not often, take the most enlarged or enlightened view upon subjects of legislation. They have the bias of their craft; they are averse to change; they view things with a professional eye—an eye jaundiced with the prejudices of their calling. They worship the *Idola specus* much—the *Idolon fori*, different from that so named by Bacon, most devoutly and most constantly of all. To make them safe guides, even in matters of law, they must be consulted by him who is so far acquainted with the subject as to be on his guard against the consequences of such idolatry. But for want of this knowledge being generally diffused, the lawyers oftentimes mislead, and even fatally mislead, their fellow-law-

makers. At any rate, it is quite essential that these should know in what cases professional men should rule, and in what only aid or advise, — when they should be judges, when only assessors. For want of this knowledge, often indeed do we see the evil results of legislation even on legal subjects; insomuch that Parliament has been said, by high judicial authority on a well-known occasion, not to be, perhaps, *inops consilii*, but yet *magnas inter opes inops*. Then observe the frauds that may be practised at the dictation of party zeal or personal interest by professional authority being called in to overrule lay opinions and sentiments. "It is a legal matter, and therefore don't interfere," is a warning that we have all heard given, and given with perfect effect, to save proceedings from being exposed, of which it asked no profound knowledge of law to discover the injustice.

The charge often brought, and very justly brought, against law bills introduced by lay members of either House is, that we are to distrust *dilettante* legislation, as it is called. But the *dilettante* is generally a tool in the hands of some interested lawyer, who takes advantage of his legal ignorance; as I have seen bills to alter the law brought in by some country gentleman, and when examined they were found to dispose of private rights then in dispute, sometimes to decide causes actually pending. Again, notwithstanding all the legal acumen which both Houses bring to bear on the measures before them, how often do we find provisions omitted, which, though just and necessary, yet would interfere with the interests of the authors of the bill; and others inserted which never should find their way into any act of parliament, and which never could have been allowed to enter had all, or nearly all, the members of the two Houses been of courage enough to grapple with the subject, and knowledge enough to perceive the faults! I will give one instance, and it serves to illustrate the case strikingly enough. In a certain well-known railway act we find this monstrous provision, — "That the books, or excerpts and copies of the books, of a company of speculators are to be sufficient evidence to prove payments made by them, not among themselves, but to strangers." Had members of parliament not been sitting in Cimmerian dark-

ness on all legal subjects, they must have known that by the most plain principles of the most just law, what a party writes is only evidence against him, and never for him as against others; and I will venture to say such a clause never could have passed the legislature had all, or any thing like all, the members attended to it. That it might have passed unobserved by some half dozen professional men was possible enough. That no one of some hundreds of unprofessional men should have put his finger upon it was against all the doctrine of chances; and it only required that it should be mentioned at once to eradicate it from the bill which, as well as the parliament, it disgraced.

But bad workmanship in law-making is not the only fruit of ignorance in the lawgiver. The progress of improvement in jurisprudence meets with no more powerful, indeed fatal, obstruction. This will appear manifest if we shortly survey the causes of those defects, both numerous and weighty, which prevail in every long-established system of law, and the remedy of which is what we chiefly mean by law-amendment. The large mass and the complexity of the system proceed from the same causes to which we may ascribe its many defects—

1st. A law which was good when made, because fitted to the existing state of society, may become, by subsequent changes, inapplicable, or positively hurtful.

2ndly. It may become both complex and prolix from the lawyer's desire to combine historical associations with the requirements of the present time, and his endeavour to make old law suit new circumstances.

3rdly. It may be ill-devised from ignorance, and yet be the work of lawgivers sincerely desirous to attain excellence in their work.

4thly. It may be made in the expectation of beneficial operation, and that expectation may be disappointed by experience of its effects.

5thly. It may have been made with particular reference to certain cases and circumstances of a partial and temporary character (a large source of legislative error), and thus be found by experience to be generally inapplicable.

6thly. It may be rendered bad from the necessity of yielding, however unwillingly, to public prejudice, or to falsely supposed but dearly cherished public interests.

7thly. It may bear the plain marks of sinister motives in consulting sinister interests, and those not only of lawyers, called on this subject by Cromwell the sons of Zeruiah, but interests of other classes also.

8thly. It may exist only in the decisions and dicta of Judges, and so be scattered over many scores of volumes; as the Roman law before Justinian was said to be the load of many camels.

9thly. It may betoken professional prejudices, the rather because those of lawyers most easily mix themselves with judge-made law.

Now all these causes of prolixity, of complexity, and of error, are only to be remedied by the legislature grappling with the difficulties of law amendment; and almost all of these give rise to errors such as it requires other than professional exertion to detect, to expose, to denounce, and to prosecute, as it were, to conviction. The lawyer is, if not the last, assuredly not the first to perceive that society has outgrown those portions of jurisprudence with which much study has made him familiar, to which long habits of contemplation have accustomed him, and which for both reasons he is at once slow to perceive and unwilling to abandon. The same may be said of laws made under the pressure of public prejudice or particular interests,—prejudice which the lawyer is rather prone to perpetuate because of its archaism, and interests which he will not too rudely scrutinize, because if he cannot revere, he yet deals tenderly, with the foundations of the system,—the *origines juris*,—as men do with the manners of their rude ancestors. But if the other members of the legislature were not scared from undertaking legal reforms by their ignorance of the subject, they would assuredly expose defects of which they are fully sensible, and to which no professional bias can reconcile them; and they could command professional aid in the legislature, if they set about applying a remedy, whether by extirpation or by improvement. Then as to the decisions of Courts, an improved legislature, a

legislature more equal to the discharge of its chief duty, would work up judge-made law into statute law, — thus incalculably lessening the enormous bulk of the mass which all now complain of, as well as making its quality far better, both in regard to wisdom, fulness, consistency, and clearness. Nor would a minute knowledge, or anything like a minute knowledge, of law be required in order to accomplish Members of Parliament for this the very highest of all their duties. Sir J. Reynolds justly ridicules the doctrine of Vitruvius, that an architect should be conversant with law, lest he may purchase land to build upon and not secure a good title. But it would be no harm were architects to be aware of some material differences between freehold, leasehold, and copyhold property, and of some known incidents to settlements of estate, in order that they may not superfluously apply to conveyancers where there is no difficulty, nor omit that precaution where a doubtful title is in question; to say nothing of the various matters respecting estimates, and vicinage, and easements, and nuisances, which are of daily occurrence while works are in preparation, and plans are forming, or are in the course of execution. Nay, I have known an unfortunate builder ruined by undertaking an extensive work (the construction of a village), in ignorance of some refinements of our Courts of Equity respecting such contracts. This kind of knowledge would have saved him, by putting him on his guard, and at least sending him to seek professional advice. So, in like manner, that a lawgiver should have so much legal knowledge as may put him on his guard against deception or gross mistake,—may enable him to judge whether professional objections are real or imaginary,—made captiously or honestly, —may indicate to him the quarters to which he should apply for fuller information,—and, indeed, that he should have the practice of consulting legal points, which gives what is termed a legal understanding,—appears to be quite beyond all doubt.

We cannot easily figure to ourselves the manifold advantages which would accrue to the whole practice of our legislature, and indeed to the whole working of our Constitution, were the members of both Houses so far imbued with a knowledge of legal principles, and so far inured to habits of legal

discussion, as to apprehend easily any argument addressed to them on matters of law. The prevention of bad and hasty statutory enactments has been already dwelt on. But the promotion of salutary legal enactment is almost of as grave importance; and this must be the consequence of the improved political education which, as the organ of the Society, I am now engaged in recommending.

Then how many questions not immediately bottomed upon points of law, are yet most materially connected with legal argument; how often are these misdecided by being withdrawn from the general cognizance of both Houses, and left to the mercy of professional men! Many a party accused has been condemned in either House, because the bulk of the members feared to interpose their votes upon matters of law, or to take their own views of matters of evidence! Nay, a party has been wrongly acquitted in consequence of the same defect in legal education.

Again, look to the vast mass of public business and private yearly disposed of. It is disposed of by men unacquainted with the subject because ignorant of law, and so at the mercy of the counsel who address them. The most sacred rights of property are invaded; the most solemn contracts are broken; the most deliberate disposition of estates by the will of the rightful owner is set at nought; the most grievous injury is inflicted on parties, sometimes expelled from the home of their fathers; consent is extorted from parties of mature age, and given on behalf of infants at the breast, to their material detriment; speculators are let in upon the proprietary body of the community, to gamble in the share market, or to lay a network of iron across the soil; powers the most arbitrary are bestowed upon one class, doors to universal fraud flung open to another; the whole rights of the community are transferred from the Courts of Justice to the Houses of Parliament, and then those rights are dealt with by men who are hopelessly ignorant of all legal principle. The members of a Committee in either House, exercise all the high functions of both judge and juror without the least qualification to act in the one capacity, and without having a better right to act in the other, because they are jurors without any guidance of a judge, who thus wander

benighted through the mazes of a cause, or turn upon its details a staring and viewless eye. But the persons thus utterly unqualified to deal with any question, are in truth exercising a very much larger jurisdiction, than all the judges, with the aid of all the juries in England, can ever by any possibility hold,—a jurisdiction, strong, transcendental, not only because of the vast amount on which they adjudicate, but of the powers of dealing with all manner of rights and liabilities, all kinds of privileges, all kinds of obligation. In the hand of the advocate must every member of such a tribunal needs be, whether as to the legal matter addressed to him, or as to the evidence commented upon. It is difficult to estimate the value of the education I am recommending to the bodies in question. The whole face of private business would be changed, and the rights and interests of the whole community would be secured.

Duties of the Upper House.

It is plainly the duty of the Commons to fit themselves for performing these high functions; a breach of their duty is manifestly committed by neglect of such preparation. But the case of the Lords is incomparably stronger; they are under far more stringent obligations to learn the law, and thereby incur a far heavier blame if they neglect it. By the constitution of the country they are its hereditary judges in the last resort, and have supreme jurisdiction in all criminal, and almost all civil causes. What can be more unseemly, nay, more entirely discreditable, than that they should be ignorant of the law which they are called on to administer? Yet, generally speaking, their ignorance is undeniable. In education they are superior to the representatives of the people; and as a body their attention is more frequently directed to legal subjects. But if we reflect that the Commons have among them a considerable number of persons accustomed to act as justices, both at sessions and individually, and also of persons who are frequently on special juries, we shall probably conclude that on a comparison, the balance of legal knowledge does not incline so much as is commonly alleged in favour of our hereditary judges. It is true that there are generally two or three law lords among them; and one always. But this connection, although it prevents a total failure of justice in

the Appellate jurisdiction, and indeed enables the House to perform that function reasonably well, becomes the source of no small inconvenience, nay, even of mischief, when coupled with the general want of legal knowledge which prevails among the Peers; for it confines to very few the judicial functions which the constitution plainly intends to vest in all. Hence we not only see constantly occurring instances of legal questions, in their political relations, left, as has been already stated, to the professional Peers; but we also find, though much more rarely, grave evils arising from the House abdicating its functions, and leaving them to be performed by a very small portion of their number. Thus, a case of the greatest importance arose, in which the Judges gave an all but unanimous opinion; the five law Lords were divided, and the narrow majority of three to two decided against the opinion of the Judges. The other Peers, after some deliberation, abstained from interfering; but had they been so far acquainted with the law as to understand legal principles, it is quite certain, that with their excellent education, and the judicial habits they generally possess, in consequence of their freedom from popular controul and sympathy with the multitude, they were perfectly capable of following the arguments of the Bar, and the reasoning of the Judges, to the extent of being able to make up their minds on the question, viz., Whether or not those Judges were so manifestly wrong as to deserve no consideration for their opinion, from the House which had called for their assistance and advice, expressly through distrust of its own capacity satisfactorily to deal with the subject. Nor let it be said that there would be a greater risk of party feelings interfering with the administration of justice were the lay members of the House more frequently to interfere. The law Lords are quite as much under the influence of such feelings as any of the other Peers; nay, they may be said to be rather more open to such influences, inasmuch as they far more constantly mingle in the strife of contentious debate.

Duties of the higher classes generally.

And now that I have dwelt so long on the necessity of legal knowledge to the legislature, may I be permitted to step aside, in order to consider for a moment the body from which

the members of that legislature are chiefly taken, — I mean the higher, the more wealthy, the more noble classes of society. Let me not be supposed guilty of the least disrespect in the remarks I am about to offer, the advice I shall make bold to tender; an advice which Lord Lyndhurst has desired me most earnestly to impress. With the younger branches of the patrician order, in the familiar intercourse of society, I have from accidental circumstances passed my life in great part, especially before my habits became professional; and my affections were won by them in proportion to their merits, their honourable feelings, their polished manners, their solid accomplishments. The suggestion I am about to offer is the result of experience thus acquired, of feelings thus long cherished. I hold it to be most advantageous to young men of rank and fortune, but more especially to the youth of the landed aristocracy, that they should mingle some knowledge of the law with their other acquirements; nay, that they should variegate their social intercourse by consorting also with lawyers. Their minds would be not merely better fitted for the discharge of the legislative duties to which they may afterwards be called, but would be enlarged by the contemplation of legal subjects, and strengthened by the wholesome conflict of reasoning with men of logical habits; — above all they would be saved from the snares and pitfalls which beset the path of youths whose years are few, and whose wealth is great. How often have I heard the most amiable and estimable of men, when they had fallen into difficulties and were encumbered with burthens, lament that ignorance of law, of even the plainest portions of law, through which they had fallen victims to the craft of designing men, more knowing than themselves; or plunged into ruinous courses, while blind to the precipice the law had prepared in their path! Most men's experience, every man's observation, must enable him to fill up this sketch with interesting names and large sums — I dwell no longer on the painful theme.

Opinion of Lord Lyndhurst.

Having now taken a general survey of all classes in the community with respect to the subject of our discourse, it remains to observe that the age we live in, how superior soever to former times in many other respects, has no kind of reason to boast of having improved legal education; and that

in consequence, the wider diffusion of legal knowledge is not one of its titles to admiration. On the contrary, the education of professional men is now much, very much more neglected than in former times, while unprofessional men are at far less pains to acquaint themselves with the law of the land. The qualifications of barristers for being admitted to practice are no longer in any the least degree the subject of previous examination. The remains, for example, of ancient usages as to readings and exercises in the Inns of Court, only serve to show that our ancestors did require the candidate for admission to the Bar to show his learning. In the modern usage, the whole is a mere form and a farce. But also our ancestors, at least of a certain rank and state, used to learn the laws without any view to practice. In the reign of Elizabeth above 2,000 students frequented the Inns of Court, equal to 10,000 in the present day; and by far the greater number of these were the sons of gentlemen, who had no thoughts of being called to the Bar.

Proceedings of the Inns of Court.

What then is to be done with a view to remedying the great defect complained of? The four learned Societies have of late most judiciously turned their attention to this subject, and great good may be confidently expected to result from the measures which they are adopting. Hitherto no legal education was to be had but in the office of a Pleader or a Draftsman. Hence none but students for the Bar ever received any instruction. The Lectures now established will be open to all classes,—let us hope that very many will profit by the opportunity thus offered to all. The Useful Knowledge Society has published treatises well adapted to assist all classes in learning those branches of the law which each respectively has the chief interest in understanding. Much, however, remains to be done in this direction; and no doubt if the spirit of improvement in this most essential branch of education be well awakened, the demand for such works will insure their supply.

Mr. Bethell's Report.

But the Council and the Society have lately had their attention drawn to the subject of legal education more in detail; and they have approved of a most able and learned report prepared by Mr. Bethell. Its recommendations are peculiarly deserving of attention with reference to the ques-

tion of general education in the law, which has occupied us at this meeting. The old method of conveying instruction in the chambers of the pleader and draftsman is recommended to be not certainly superseded, but rather expanded by a most important addition, and one which is eminently fitted to confer upon all classes, lay as well as professional, the benefits of legal knowledge. It is proposed that gentlemen qualified for the task, should open their chambers to pupils, with whom they may read standard works, to be by them commented upon, explained, and illustrated. As the great medical professors explain the principles of the healing art which they practise while they teach, illustrating the lecture by reference to the cases they have attended perhaps that very day,—so may lawyers, whether below the Bar or even at the Bar, devote an hour or two of the evening to teaching the law, and illustrating its principles by the cases on which they have themselves been advising, or which they have been conducting, or seen others conducting in Court. We do not at all suggest these lectures as superseding the existing practice of taking pupils. On the contrary, it would be ancillary to that practice. Those not yet become pupils might thus commence their course of legal study. Nay, those *in statû pupillari* might well find benefit from attending the proposed lectures.

But with this means of instruction should be combined more public lectures for all classes, as well lay as professional; and it appears more than probable that the four lectureships appointed by the Inns of Court may not be found sufficient for the demands of the public. This Society will no doubt contribute its aid by engaging some of its members, qualified for the task, to lecture upon several branches of the law. And it is to be hoped that the Gresham College will afford to our citizens nearer 'Change, a similar opportunity of learning the law most closely connected with their pursuits. I have great satisfaction in announcing that three learned lawyers, members of our Society, are prepared to give courses of lectures, as soon as there are grounds for believing that the public patronage will be extended to their undertaking. One course will be on Equity, another on the Law of Property,

a third on Legislation and the Mechanics of Law-making. Nor ought these proceedings to be confined within the Capital. The great cities of Yorkshire, and Lancashire, and Warwickshire,—Leeds and Sheffield, Manchester and Liverpool, Birmingham and its thickly peopled district,—ought all to establish schools for the study of the law,—schools open to both lawyers and laymen. Thus will the present defects in our system be surely remedied.

I feel, on looking back to the wide field over which I have travelled, that it would not have been easy to perform less satisfactorily the duty devolved upon me by my colleagues of the Council, and which nothing but my great zeal for the objects of the Society could have induced me to undertake. It is a small consolation to them and to you for a very natural disappointment of expectations kindly entertained, if I should add, which I most unaffectedly do, that no one can possibly be more sensible of the failure than he who now addresses you, and has to thank you sincerely for the patient attention with which you have been pleased to honour him.

ADDENDUM.

We are glad to say that since Lord Brougham's address, much additional cooperation has been announced in furtherance of his views. We, however, regret to state that we have no very favourable report to make on this matter as regards the Inns of Court generally. It is understood that the Benchers of Lincoln's Inn have declined to take any steps for continuing the appointment of the Professor of Equitable Jurisprudence; but we hope the Common Law will have a better fate at the Inner Temple. Gray's Inn has wisely reappointed Mr. Lewis, the distinguished lecturer on Real Property[1]; and Mr. Bowyer will give lectures in Michaelmas

[1] The Attorney-General proposed the renewal of Mr. Lewis's appointment with the cordial concurrence of all the other Benchers. On the 29th of May last the following Students for the Bar were declared to have distinguished themselves in the Voluntary Examination for Honours in the Law of Real and

Term on Civil and Canon Law. Both these courses are open to all the members of the Inns of Court without fee.

So much with respect to these ancient seminaries of legal education. But we have great pleasure in stating that considerable progress has been made in the formation of the Law School proposed to be established by the Law Amendment Society, which has been thus inaugurated, and of which we have recently given some account.[1] We are now enabled to present to our readers the First Report of the Special Committee appointed to take the necessary steps for carrying into effect the recommendations of the Report on the Law School.

FIRST REPORT.

The Committee beg to report that they have had several meetings for the purpose of considering the details connected with the Law School proposed to be established, and the powers entrusted to them by the Council.

The Committee have the great pleasure of stating, that at their request, the President of this Society and one of the members of this Committee delivered an inaugural address on the 3d of July instant, at the rooms of this Society, which address will be printed in the "Law Review" for the ensuing month of August, and will also be published separately.[2]

Personal Property and Conveyancing, in the Hall of this Society, on Thursday and Friday last, and were classed in the following order : —

1. Mr. Nathaniel Lindley, Middle Temple.
2. Mr. John Whitcombe, Middle Temple.

Æquales 3.
- Mr. Joseph Graham, Middle Temple.
- Mr. William Crawford, Middle Temple.
- Mr. Henry Kingsmill, Lincoln's Inn.

4. Mr. Edward Steere, Inner Temple.

Æquales 5.
- Mr. James Marshall, Gray's Inn.
- Mr. William Freeman, Lincoln's Inn.

Æquales 6.
- Mr. James Bridge Davidson, Lincoln's Inn.
- Mr. William Llewelyn Terry, Inner Temple.

7. Mr. Thomas Freeman Morse, Lincoln's Inn.

Mr. Lindley received the Lecturers' Prize, consisting of a set of Vesey's Reports (20 vols.).

[1] 11 Law Review, 347. ; 12 Law Review, 106. 201.

[2] This refers to the foregoing "Inaugural Address" of Lord Brougham.

This Committee have further to report, that they have great reason to believe that one or more courses of lectures will be commenced in November next, and that three members of this Committee having stated their willingness to deliver lectures, this Committee have accepted their offers; and they have accordingly appointed Mr. Spence, Q. C., Mr. James Stewart, and Mr. Arthur Symonds, lecturers on the following branches of law: Mr. Spence, on Equitable Jurisprudence; Mr. Stewart, on the Law of Property and Conveyancing; and Mr. Symonds, on Legislation and the Mechanics of Law-making. Lecturers appointed.

This Committee consider that it will be desirable that the lecturers should be allowed to take fees, as well for the attendance on the private classes intended to be formed in chambers, as for the public lectures. But that all fees to be taken on account of the public lectures should be paid into the funds of the Society, to be kept as a distinct fund, and to be appropriated as may hereafter be considered advisable. And that, subject to this regulation, each lecturer should be allowed to fix the amount of the fees payable for attendance on his lecture.

This Committee propose, from time to time, to make such further reports on this subject as appear to them desirable, and to take such steps for making the delivering of the lectures known as appear to them necessary.

The Committee having communicated, through their President, the Report on the subject of the Law School to the Lord Chancellor, his Lordship has been pleased to express himself as follows with respect to it: —

My dear Lord,

I have read the paper[1] upon the subject of Legal Education. I heartily concur in the views there developed; and I am certain the greatest public advantage would result from the object being prosecuted effectually. The advantage, not only to the profession, but to the legislature and to the public, would, I think, be beyond calculation. I intrude my opinion upon you in so much haste that I cannot enter into the details at this moment; but the opinion The Lord Chancellor's views on Legal Education.

[1] This refers to the Report on the Law School, printed 12 L. R., 106.

I have expressed has been very deliberately formed; and I shall be glad of an opportunity to communicate with you further upon the subject.

I am, my dear Lord,

Ever yours faithfully,

TRURO.

83. *Eaton Square, July* 21. 1850.

This Report was received and adopted at a Meeting of the Society held on the 22d of July; and the following resolutions were come to unanimously:—

1. That the thanks of the Society be given to the Lord High Chancellor for his letter to the President, approving of the establishment of a Law School in the manner proposed by the Report of the Committee on that subject.

2. That the thanks of the Society be also given to those gentlemen who have offered to deliver courses of popular lectures upon the subjects mentioned in the Report of the Committee on the Establishment of a Law School of Legal Jurisprudence; and that the attention of the members of the Society be called to the importance of filling up the scheme proposed in the first Report of the Committee by the delivery of courses of lectures on other legal subjects, especially on the History of the Law, on the Common Law, and on Commercial Law.

THE END.

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