

**POPULAR LETTERS ON SPECIAL
PLEADING: ADDRESSED TO
THOSE ABOUT TO ENTER ON THE
STUDY OR THE COMMON LAW**

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Popular Letters on Special Pleading: addressed to those about to enter on the study or the common law by Joseph Philips

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JOSEPH PHILIPS

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PLEADING: ADDRESSED TO
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POPULAR LETTERS

OR

SPECIAL PLEADING.

POPULAR LETTERS

ON

SPECIAL PLEADING,

ADDRESSED

TO THOSE ABOUT TO ENTER ON THE STUDY

OF

The Common Law.



BY

JOSEPH PHILIPS, Esq., M.A.,

OF THE INNER TEMPLE, SPECIAL PLEADER.

LONDON:

WILLIAM BENNING & Co., LAW BOOKSELLERS,
43, FLEET STREET.

1848.

INTRODUCTION.

It is well known that the great majority of Common Law Students who enter at the Inns of Court, with a view of preparing for the Bar,—many of them fresh from the Universities,—on commencing their studies in London know next to nothing about Law, and literally nothing about Special Pleading or the general business of the Pleader. In this state they enter chambers; and here the pupil undertakes his first case, has the range of the Library, and also the instruction and assistance of the pleader so far as he has time to give it.

The newness of the scene, the collection before him—books of precedents, works on pleading, on contracts, on torts or wrongs, and again even large volumes on divisions merely and subdivisions of

these subjects,—the reports, the statutes,—all together tend to throw him into almost hopeless perplexity. He asks many questions, there are many others that he would like to ask, and which perhaps would only do him credit if he did ask, and yet he does not, partly from a fear of being thought wanting in apprehension, and partly from a desire not to occupy too much time with such inquiries; and the danger now is that his hesitation will turn into disgust or a settled indifference that may not afterwards be very easily overcome. I therefore think that a few Letters of a popular and easy character relating to the business of a Special Pleader, with a few illustrations, will not be unacceptable to those who are about to become students at law, and as yet know nothing of law; and I should wish by this means to convey to them some general notion of the subject, that both may in itself be useful, and may also enable them to see a little beyond the mist and confusion that they must encounter at the outset of their career. I do not pretend that within so small a compass, and in such a form, much knowledge of law can be conveyed, but I think that by a slight sketch of the kind I propose, those for whom it is

intended may be led to perceive that the task they have chosen is not by any means one of overwhelming difficulty, and that the mere technicalities being surmounted by some patience and industry, they have only before them a very pleasant exercise for the intellect, and a course of reading and balancing of opinion, which independently of its being blended with their future prospects, is about to be of great service to them in improving and strengthening their understanding and judgment.

I should wish the Reader to take the following Letters consecutively in the order in which they are written.

J. PHILIPS.

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LETTER I.



A SPECIAL Pleader, so called from his being employed to prepare the written pleadings in suits at law for one of the litigant parties, answers to the common idea of a chamber counsel. He is one of that class; and besides being engaged in drawing the written pleadings either for the complainant or the defendant in a suit at law, he advises parties on cases submitted by their attorneys to him for his opinion. On a state of facts prepared by the attorney on consultation with his client, the pleader gives his impartial opinion, which is acted on or not at the discretion of those who seek it. The cases that in one shape or another come before the pleader embrace a very wide, perhaps the widest range of those civil differences that can become the subject of litigation in this country. To enumerate these would be impossible; but if you call to mind the complaints and differences that appear from the newspapers to be the subject of trials by jury at the Sittings in London and Middlesex, and at the Spring and Summer Assizes throughout the country, and also of legal arguments in the Courts of Common Law at Westminster during Term time, you may form some idea of their extent and variety. The pleader then gives his opinion on cases, and is also engaged in actions at law, whether they be