

**A PHILADELPHIA
LAWYER IN THE
LONDON COURTS**

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A Philadelphia Lawyer in the London Courts by Thomas Leaming

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THOMAS LEAMING

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THE CORRIDORS OF THE COURTS

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**BY
THOMAS LEAMING**

Illustrated by the Author

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PREFACE

The nucleus of this volume was an address delivered before the Pennsylvania State Bar Association which, finding its way into various newspapers in the United States and England, received a degree of favorable notice that seemed to warrant further pursuit of a subject heretofore apparently overlooked. Successive holiday visits to England were utilized for this purpose.

As our institutions are largely derived from England, it is natural that the discussion of public questions and the glimpses of important trials afforded by the daily papers—usually murder trials or divorce cases—should more or less familiarize Americans with the English point of view in legal matters. American lawyers, indeed, must keep themselves in close touch with the actual decisions which are collected in the reports to be found in every library and which are frequently cited in our courts.

Nothing in print is available, however, from which much can be learned concerning the barristers, the judges, or the solicitors, themselves,

whose labors establish these precedents. They seem to have escaped the anthropologist, so curious about most vertebrates, and they must be studied in their habitat—the Inns of Court, the musty chambers and the courts themselves.

The more these almost unknown creatures are investigated, the more will the pioneer appreciate the difficulty of penetrating the highly specialized professional life of England, of mastering the many peculiar customs and the elaborate etiquette by which it is governed and of reproducing the atmosphere of it all. He will find that he can do little but record his observations.

It was not unknown to him that some lawyers in England are called barristers, some solicitors, and he had a vague impression that the former, only, are advocates, whose functions and activities differ from those of the solicitor; but he was hardly conscious that the two callings are as unlike as those of a physician and an apothecary. It requires personal observation to see that the barristers, belonging to a limited and somewhat aristocratic corps, less than 800 of whom monopolize the litigation of the entire Kingdom, have little in common with the solicitors, scattered all over England. The former are grouped together in their chambers in the Inns, their clients

are solicitors only, they have no contact, perhaps not even an acquaintance, with the actual litigants and a cause to them is like an abstract proposition to be scientifically presented. The solicitors, on the other hand, constitute the men of law-business, whose clients are the public, but who can not themselves appear as advocates and must retain the barristers for that purpose.

Again, it is difficult to grasp fully the influence exercised through life by the barrister's Inn—that curious institution, with its five hundred years of tradition—voluntarily joined by him when a youth; where he has received his training; by which he has been called to the Bar and may be disbarred for cause, and to the Benchers of which Inn he must chiefly look for advancement, although the Lord Chancellor may be the nominal creator of King's Counsel and the donor of judge-ships. The impulse of these Inns is still felt at the American Bar, despite more than a century's separation, for, about the time of the Revolution, over a hundred American law students were in attendance, not only acquiring, for use in the new country, a sound legal training, but absorbing the spirit of the profession which has been transmitted to posterity, although its source may be forgotten.

Nor will anything he has read prepare the American for the abyss which separates the common law barrister, who spends his days in jury trials, from the chancery man, who knows nothing but equity courts; nor for the complete ignorance, if not contempt, with which they seem to regard each other.

K. C.'s, indeed, are afforded their title in the reports—even in the newspapers—but nowhere does it appear that "Leaders" are appointed by the judge of a particular equity court to "take their seats" and practice before him exclusively, being associated in each case with "Juniors," who in turn have "Devils" to prepare their cases; or that a leader may sever this relation and thereafter "go special"; yet all these, and many other peculiar and inviolable customs, are handed down from one generation to another to be followed as if by instinct: and the profession would no more trouble the busy world with such matters than a dog would feel it necessary to explain that he turns thrice before lying down, simply because his wolfish ancestor did so in order to make a bed in the grass.

In this environment of ancient custom, however, the American is surprised to find the most up-to-date courts in the world and an adminis-

tration of law which is so prompt, so colloquial, so simple, so free from formality and so thoroughly in touch with the ordinary man's everyday life, as to provoke a blush for the tribunals of the vaunted New World, still lagging in their archaic conventionality and their diffuse and dilatory methods.

At home, the American has been perplexed by the threadbare assertion that we have as many judges in a large city as has all England, but he shortly learns that such comparison considers only the few judges of the High Court, and ignores the others and the officials performing judicial functions, so numerous that the little Island fairly teems with its judiciary and that the implied criticism is due to ignorance of the facts.

The trials, both civil and criminal, will reveal the complete triumph of common sense and the Englishman will appear at his best in his court, for there he leads the world. The hearty good humor, alacrity and crispness of the proceedings, the absence of declamation but the avoidance of monotony by the proper distribution of emphasis, all combine to delight the practised observer.

The disciplining of the profession by means of