

**REMARKS UPON THE  
JURISDICTION OF  
THE INNS OF COURT**

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Remarks upon the jurisdiction of the inns of court by Frederic Calvert

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BY  
FREDERICK CALVERT, ESQ., Q.C.

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"Audi alteram partem."

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WILLIAM RIDGWAY, 169, PICCADILLY, W.  
1874.

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*Price One Shilling.*

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UNIVERSITY OF ILLINOIS  
CHICAGO

## INTRODUCTION.

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ALL institutions are on their trial. To the Clergy new plans are propounded for Convocation; the statutes of every college at Oxford and Cambridge have been revised; purchase is abolished in the army; the navy and the dock yards are subjected to severe scrutiny; and our system of Judicature is cast in a crucible, in which it is to assume as much of novelty as can be safely adopted. The Benchers of the Inns of Court, seeing all these changes around them, must not be surprised, if their quiet Courts are invaded, and if they encounter some strong attempts at innovation. Twice within the last thirty years they have met public inquiries, and have afforded the fullest information upon their affairs. They know that they hold their rights and privileges for the benefit of the country at large; and, so long as they exercise them in that spirit, and feel confident that they do good service to their profession, it is their duty to speak in their own vindication, and to struggle for the maintenance of their established authority. They will only ask that the accounts given of their conduct may be accurate and true.

*Past Events.*—The following events with reference to this subject have already taken place. On the 8th of April, 1846, a select Committee was

appointed by the House of Commons "to inquire into the present state of legal education in Ireland;" and on the 5th of May following that Committee was instructed to "extend their inquiry and consideration to the state improvement and extension of legal education in England." On the 5th of May, 1854, "a Commission issued to inquire into the arrangements of the Inns of Court for promoting the study of the law and jurisprudence, the revenues properly applicable, and *the means likely to secure a systematic and sound education for students of law and provide satisfactory tests of fitness for admission to the Bar.*" Each of these inquiries is as general as possible. The authority of the Inns of Court in respect of legal education was clearly within the scope of each of them.

Before the commencement of the session of 1872, a legal association was formed professing to have the following objects in view—"first, the establishment of a law university for the profession of the law; secondly, the placing of the admission of both branches of the profession on the basis of a combined test of Collegiate education and examination by a public board of examiners."

On the 1st day of March, 1872, the present Lord

\* For the sake of convenience the Committee Report of 1846 is quoted under letter *A*; the Report of the Commission of 1855 under letter *B*.



Chancellor, then Sir Roundell Palmer, brought forward his resolutions for the establishment of a general school of law. They were rejected by a majority of 13 in a House of 213 members.

*The Interview with the Association.*—The next public event connected with this subject was the interview of a deputation from the association with the Lord Chancellor. It took place on the 12th of December last. Mr. Amphlett, now Mr. Baron Amphlett, who introduced the deputation, commenced his remarks by a reference to the debate of 1872; and the Lord Chancellor strongly asserted his adherence to the opinions, which he had expressed in that debate, and also his intention to endeavour to give effect to them on the first favourable opportunity. I must therefore take up the subject as from that debate.

*The Debate of 1872.*—The course which the debate took directs our attention peculiarly to the speech of Sir Roundell Palmer.\* During his speech there was a fair attendance of Members. At the close of it many Members left the House. Not more than forty or fifty were present during the greater part of the debate. At one time the House was counted; and the debate narrowly escaped a pre-

\* In commenting upon the Lord Chancellor's speech in that debate, I take the liberty of using the name, which he bore at that time. The quotations from his speech are taken from the report in the *Times*.

mature termination. The speakers were, with few exceptions, lawyers; but many lay members had received notice from attorneys, their constituents, that their votes in favour of the resolutions were earnestly desired. A little while before the division took place, about 150 Members came into the House. Many of them had heard Sir Roundell Palmer's speech, so that the division depended in a great measure upon the statements which he made. It is probable that a large proportion of Members present had but little previous acquaintance with the merits of the question; and the general idea of unprofessional Members seemed to be, that the whole question should be settled by the professional Members. This is much to be regretted. The question at issue is one, in which all classes are interested.

*Public interested in the character of the Benchers and of the Bar.*—It is of great importance to the public, that a very high tone of feeling should be maintained at the Bar. Great moral as well as intellectual qualities are required for the high places of the profession. A Barrister should be thoroughly imbued with the scientific principles of the law, and capable of applying them in practice. He should be able to analyse facts, compare statements, balance argument against argument, detect fallacies, and to bring the rights of a case conspicuously into view. He should be fearless in maintaining his opinion, honest and trustworthy, and indepen-

dent in his bearing towards all classes, the Bench, the attorney, and his client. Above all things he should prefer character above professional emolument. Of such a stamp ought those men to be, by whose opinions the law is from day to day administered ; and on whose authority, when they are raised to the Bench, the lives and properties of Her Majesty's subjects must frequently depend. Moreover, the system of instruction required for the Bar should be one, which will not only prepare men for practice as Barristers, but also for active life in many other capacities ; for instance, as magistrates, Members of Parliament, and for judicial offices in British dominions abroad, or in diplomatic posts of high responsibility. The Benchers have been a class of men well fitted for the superintendence of such an education as is required for these objects. They are most of them men of highly cultivated minds, possessed of an extensive knowledge of the world, acquainted with the wants and interests of lawyers, and extremely considerate in the exercise of their jurisdiction.

Men of high moral character and great intellectual attainments have risen in succession under the Inns of Court. And the public are deeply interested in the character of the Benchers, as well as of the Bar. In the debate in 1872,\* the present Chief Justice of the Common Pleas, speaking of

\* Hansard, vol. 209, p. 129.