

tresses, not because they are qualified to fulfil such duties, but because they have no other means of getting a livelihood. Very few of those engaged in teaching have had an education better than the ordinary one received by others in their own rank of life. Scarcely any have had any especial training for the work of instruction, or the still more important work of guiding their pupils' minds. I ask is this fair, is it judicious, is it righteous, is it not rather foolish, discreditable, wicked? But to bring this long paper to a close. Relief will come to women in this great work of education when we shall thoroughly learn that woman is not less than man is, but only different, that she has a heart and intellect as man has, that marriage is not the first and only object of a woman's life, any more than it is of a man's, that woman must work as man must work, that education is more than instruction, being the unfolding and directing aright of the whole nature, and that so to educate each individual, whether man or woman, is a duty directly due to the great brotherhood of the world and the progress of the race.

III.—*On Legal Education in Ireland* * By Mark S O'Shaughnessy, M R I A , F R S L , Barrister-at-Law, Professor of English Law, Queen's College, Cork.

[Read Tuesday, 18th June, 1872]

THE object of this paper is to set forth the provision already made for legal education in Ireland; to examine how far the requirements

* CONTENTS of Paper, viz —OBJECTS OF THE PAPER Steps taken towards the improvement of legal education, Dublin Law Institute, (1839), Parliamentary Committee, (1846), Regulations of 1850 Modes of imparting information, Lectures, how made effectual, Professors, how their duties should be discharged (pp. 124-126) BARRISTERS.—Legal instruction,—in Trinity College, Dublin,—in the Queen's Colleges,—at the King's Inns Qualifications for the Bar, General Examination, Lectures, graduates, non-graduates Provision made for legal education, whether sufficient? Deficiencies and errors in its arrangements Opinion of Royal Commissioners (1855), instruction which should form part of general education,—of professional education Time occupied in preparation for the Bar —Attendance at Inns of Court in London —Qualifications and Course of Education for the English Bar —Forensic Medicine, neglect of, in legal education (pp. 128-152) ATTORNEYS AND SOLICITORS.—General Education —The Benchers and the Profession, Resolutions of 1860 and 1861 —Scheme of Education under Statute of 1866, non graduates,—graduates Legal Instruction,—elementary, special Professional training in England, lectures and Law classes (pp 152-159) CONCLUDING OBSERVATIONS —How improved Schools of Law may be created in Ireland, (Report of 1846), faults in the existing systems, (Parliamentary discussion, 1872), the office of Universities in legal teaching, the duties of the governing bodies of the Profession What is still required, suggestions for improvement of the system of legal education in Ireland (pp 159-163) APPENDIX A —General examination before admission to the English Bar (p 164) APPENDIX B —General examination before admission to the Irish Bar (p 166)

of the legal profession are met by the means of legal education so provided—regard being had to the different relations subsisting between the profession, the state, and the community at large; and to suggest some modifications of, or alterations in, existing arrangements, which may tend to the production of satisfactory results.

Towards the close of the last century the Benchers of the Hon. Society of the King's Inns, acknowledging that to them was committed the trust of giving permission to profess and practise the law in Ireland, confessed that their's would be the responsibility if any improper or incapable person were allowed to exercise functions which concerned the safety and enjoyment of the persons, property, and characters of the inhabitants of the kingdom *

In the direction of suitable education for either branch of the legal profession, the first steps in the present century would seem to have been taken in England, by the Incorporated Law Society. About the year 1833, a movement was made towards the instruction of students, intended for their own branch, which resulted in a compulsory examination, before admission to the profession of attorney or solicitor, being established in 1836.

But, as regards Ireland, to private energy the honor is due of initiating an organization for legal education, intended to meet the demands of the profession, especially of the barrister. In 1839, an institution under the name of the Dublin Law Institute was formed for the purpose of affording a systematic legal education to both branches of the profession. The merit of its foundation was due to Mr Tristram Kennedy, who acted as principal. The Benchers of the King's Inns became connected with it as Fellows of the Society, and gave their approval to it's system of teaching. Instruction was delivered by means of lectures, the chair of Equity was held by Mr Echlin Molyneux (now Q.C., Chairman of the county Meath, and Professor of Law in the Queen's College, Belfast); the chair of the Law of Property and Conveyancing, by the late Mr James J. Hardey, the chair of Common Law, by the present Sir Joseph Napier (Ex-Chancellor, etc.); the chair of Criminal Law, by the late Professor Barry (of Queen's College, Cork), the present Lord Chief Justice of the Queen's Bench (Right Hon. James Whiteside) was Professor of the Law of *Nisi Prius*; and the chair of Medical Jurisprudence was held by Dr Thomas Brady, Fellow and Professor in the College of Physicians. With each of the chairs was connected a course of class instruction, and, in addition, it was not unusual for the pupils to attend the courts, and the Professors were in the habit of taking advantage of this circumstance, and placing before their classes, in the Common Law department, the pleadings in cases pending at the time; a practice which had the effect of exciting the attention of the student, who in many instances watched with a lively interest the progress and issue of such proceedings. In 1842 the Benchers withdrew the grant they had made, and, after some efforts to keep it alive, the institution ceased to exist.

* Duhigg's *History of the King's Inns*, p. 582.

Although this was the first practical action, the subject had also been attracting much attention both in this country and in England, and a Select Committee of the House of Commons was nominated in April, 1846, "to inquire into the present state of legal education in Ireland, and the means for its further improvement and extension;" to this an instruction was afterwards added to extend the inquiry and consideration to the state, improvement, and extension of legal education in England.

Following the action of that Committee, which reported in August, 1846, some improvements in the education of both branches of the legal profession in Ireland were introduced, under the regulations of the Benchers of the Hon. Society of the King's Inns of October, 1850, and took effect from the preceding Trinity Term. That in the system then established there is ample room for still further improvement, if not conceded, may easily be proved. The complaints amongst law students, including attorneys' apprentices, in Ireland, have not assumed so organised and public an expression as with their fellows in England, who recently (May, 1872) held a congress at Birmingham at which the necessity for a school of law was asserted, stress was laid on the inadequacy of the means of instruction available to provincial students, and influence was sought to secure a better mode of office tuition.

But the faulty nature of the system of legal education existing in Ireland—faulty particularly as unmethodical, unsuitable, and incomplete—is well understood by those who are subject to its provisions, and its deficiencies are as patent to them as they progress in their allotted course, as to all who are interested in the correction of the shortcomings of the existing arrangements, and the establishment of a suitable, adequate, and complete system of legal education.

The Parliamentary Committee of 1846 had amongst its members Mr (afterwards Sir Thomas) Wyse, Mr O'Connell (who, with his nephew, Mr. Morgan John O'Connell, and the late Master Litton, had made some parliamentary efforts to put the profession in Ireland on an improved basis), Sir Thomas Wilde (afterwards Lord Chancellor Truro), Mr Walpole, Mr Watson, Mr Ewart, etc. Their report dealt with the matters referred, under three heads.

1. The (then) present state of legal education in England and Ireland.

2. The effect of this state upon the legal profession, and on the public generally.

3. The means for the improvement and extension of legal education in both countries.

"These questions" (the report went on to say) "are to be considered in their bearings upon both classes of the legal profession (the barrister and the solicitor), on the diplomatist, the legislator, the magistrate, the country gentleman, and the citizen."

In those aspects, now again it is proposed to consider the question of legal education; its interest is not, therefore, confined to the professional man.

It could with difficulty be controverted, indeed it will scarcely be

disputed, that no evil consequences would ensue either to the legal profession or to the public, if by means of enforcing superior education, or by testing competency, some restriction were put upon the numbers admitted to both branches of the profession. The future of such men would, most probably, prove to be of more public advantage, whether their career was in the practice of the profession, or in official life, or in discharge of their duties as citizens.

Before entering upon the examination of the system of legal education now prescribed, and the means afforded of obtaining it, something may be said of the mode in which information should be imparted. In all the inquiries on this subject it was strongly put forward that much in the way of education might be effected by means of lectures delivered and examinations presided over by those who, by practice in their profession, could experimentally apply and develop the principles of legal science; how such a system should be carried out has been well explained in the following words:

"To make lectures effectual, not only must a systematic course of reading, to be pointed out by the lecturer, be combined with them, but oral and written examination on the subject of each lecture is essential to make such course of instruction useful to any considerable degree. The habit of attending a lecture, merely to write down its contents, is worse than useless. It tends to superficial knowledge. To be profound, to be practical, to combine practice with theory, the art with the science of law, a regular course of study, bearing upon the lectures that are delivered, and an earnest and hearty oral examination of the student from day to day, and the sympathy of the lecturer, and a kind and anxious spirit on his part to encourage and assist the student, and create in him a moral as well as intellectual interest in that which is to engross him in after years, are all essential."* This cannot be superseded by the unassisted perusal of books, or by attendance in offices or chambers. "When a young man goes into a pleader's office he plunges in *medias res*, and a great deal of explanation is necessary. The great object of lectures would be to facilitate him in his course, beginning with the first rudiments; then he finds his way by degrees." † The unassisted student plods on, wanting what he would find in the lecturer—guidance in his researches, assistance towards discoveries, and incentives to profitable exertion; thus, and thus only, can he be enabled to separate the learning which is obsolete from that still useful, to reject what is only recondite, and to preserve what may prove valuable.

For the lecturer desiring to make his instruction practically useful, what more admirable example to follow than the method described as the habit of Professor Amos, in the chair of Law, in University College, London? "He endeavoured to throw into his lectures as much as possible of a philosophical character, to give as much of theory as he could in these lectures, illustrating his theory

* Joy on *Legal Education in England and Ireland*, 1847, p. 20. This seems to have been the system of Story and of Greenleaf as professors, p. 55.

† Mr. Starkie, *q.c.* (*Id.* p. 61.)

by constant reference to actual practice, especially his own experience as barrister on circuit, and *vice versâ*—his practice by what ought to be the presiding principle in regulating it. Nor did he confine himself to lecturing alone. After the lectures were over, he held a conversation with his class, going round among his pupils, and asking questions, and conversing on all points of nicety which had occurred in the course of the lecture, in order to collect their ideas, and to rectify them; and he had examinations of the lectures. He had examinations upon particular books, and also prize essays, and by these different means he created a great deal of enthusiasm among a large number. These daily examinations after lecture were followed out on a more extended scale, by monthly, quarterly, and annual examinations” * Granted that the duty of lecturing was thus discharged, and the extent of each class rendered such a system possible, the observation of a recent writer (Mr Albert Venn Dicey) will be approved of. “One may venture confidently to assert that a pupil who came to a pleader after having heard a set of first-rate lectures, such for example as a young lawyer may attend in some towns in America, or such as were given by Blackstone himself on the principles of common law, would in one year’s reading derive far more benefit from his studies, and be a far more accomplished pleader than the student who, on the present plan, has laboured on for the space of two years copying the precedents in Bullen, and mastering isolated law points without any general knowledge of law” †

BARRISTERS Admission to the degree of barrister-at law in Ireland, is subject to regulations made by the Hon. Society of King’s Inns, admission to the other branch of the legal profession—attorney of the Superior Courts of Common Law and solicitor of the High Court of Chancery—is controlled by rules made in pursuance of the Act, 29 & 30 Vic. c. 84. The observance of these rules is guarded by the Incorporated Society of Attorneys and Solicitors of Ireland.

The bodies in Ireland whose instruction in law is recognized by these two Societies, are the following —

(a) The University of Dublin, through its law professors—namely, the professor of Civil and Canon Law and the professor of Feudal and English Law.

(b) The colleges of the Queen’s University in Ireland, through their respective law professors—namely, the professors of Jurisprudence and the professors of English Law.

Taking into consideration, as regards Trinity College, the instruc-

* Report from the Select Committee (1846), viii.

† *Macmillan’s Magazine* for December, 1871.

tion afforded in law, we find from the report of the Dublin University Commission (1853), that the Professorship of Civil Law existed in the University since its foundation. The appointment has always been vested in the Provost and Senior Fellows. In 1850 the practice, theretofore existing, of electing a Senior Fellow was discontinued, and the rule was adopted of not electing to the professorship anyone who was not a doctor of laws, and a barrister of six years' standing.

The professorship of Feudal and English law was founded in 1761; the qualification required that the barrister should be of two years' standing. In consequence of communications which passed, in 1848, between the College Board and the Benchers of the King's Inns, arrangements were made for placing the two law professorships of the University on such a basis as to be embraced in the plan of legal education recommended by the Committee of the Benchers. The Board proposed to the Benchers the choice of one of two divisions of subjects; either to assign general jurisprudence to the Professor of Feudal and English Law, to be taught by him in addition to the statutable subjects required to be taught, and to combine Ecclesiastical with Civil Law in the subject of the other professorship, or else to have the subject of Real Property and Equity taught by the Professor of Feudal and English Law, and Civil and General Jurisprudence taught by the other Professor. The second arrangement was that adopted.*

In the law school of the University one of the professors should, under the college regulations, deliver lectures in Civil Law and General Jurisprudence. The following are given in the calendar as the subjects for prelection and examination for the year:

Michaelmas Term —General Jurisprudence—*Austin's Province of Jurisprudence determined*, *Mavne's Ancient Law*; *Heron's History of Jurisprudence*, books 1 and 11.

Hilary Term —Roman Civil Law—*Gneist's Juris Romani Syntagma*, pp 1-217; *Mackeldej's Systema Juris Romani hodie usitati, Pars specialis*.

Trinity Term —Modern Developments—*Code Napoleon*; *Code Civil*, Liv III, Tit. vi, viii, ix, xiii (*De la Vente, du Contrat de Louage; du Contrat de Societé, du Mandat*), *Story's Equity Jurisprudence*, vol 1.

Under the same regulations the other professor should deliver lectures on the subjects of Real Property and Equity; not fewer than twelve lectures are to be given in each of the three college terms. The subjects for prelection and examination, as given in the University calendar, contain a list of works conversant with the Law of Real Property only. They are as follows:

* Under the arrangements made for the establishment of the Law School in 1850, one of the legal professors of Trinity College was paid a portion of the fees for legal education payable by law students

1869-1870

Gilbert on Uses, by Sugden.*Sugden on Powers*

*Vendors and Purchasers.**Jarman on Wills*Shelford, *Real Property Statutes.**Fearn's Contingent Remainders*

1871-1872.

*Littleton's Tenures.**Williams' Real Property*Shelford, *Real Property Statutes**Landlord and Tenant (Ireland) Act*, 1860.*Hayes on Conveyancing*

In the Queen's Colleges the course for first year's students in law embraces the Law of Real Property and the principles of Conveyancing, under one professor of the Faculty of Law, together with the study of Jurisprudence under the other professor. The second year's course embraces with one professor the Law of Personal Property and the study of Equity Jurisprudence, together with a course of study of the Civil Law with the other professor. In the third year the lectures and examinations treat of the Common and Criminal Law. Thus the courses of elementary legal study in the Queen's Colleges embrace every branch of English Law, together with Civil Law and the study of Jurisprudence.

The curriculum may be taken to be as follows —

First Session Law of Real Property, Principles of Conveyancing —Jurisprudence.

The course of the Professor of English Law for the first year's class comprises elementary instruction in the Law of Real Property, and in practical Conveyancing. The text book read is *Williams on Real Property*. The following works are recommended for perusal. —

Blackstone's Commentaries, by Stephen, Vol. I.; and Vol. II of Kerr's edition of the same work.

Second Session Law of Personal Property, Equity, and Bankruptcy—Civil Law.

The course of the Professor of English Law for the second year's class comprises instruction in the Law of Personal Property, Equity, Bankruptcy, and the practice relating to those branches of Law. The Text Books read are *Smith on Contracts*, *Williams on Personal Property*, and *Smith's Manual of Equity*. The following are recommended for perusal —

Blackstone's Commentaries, by Stephen, Vol. II, same by Kerr, Vol. II, *Smith's Mercantile Law*, *Story's Equity Jurisprudence*, Vol. I.; *The Bankruptcy and Insolvency Act*, 1857.

Third Session. Common and Criminal Law

The course of the Professor of English Law for the third year's class comprises the history, constitution, and jurisdiction of the several Courts of Justice, and their Procedure. The text books are the third and fourth volumes of *Blackstone's Commentaries*, editions by Stephen and Kerr. The following works are recommended for perusal.—

Broom's *Common Law*, Broom's *Legal Maxims*, Smith's *Leading Cases*; Copinger's *County Courts*, by Johnstone, Ferguson's *Common Law Procedure Acts, 1853 and 1856*, Woolrych's *Criminal Law*, or *Russell on Crimes* *

At the King's Inns there are two Professors, one of Constitutional, Criminal, and other Crown Law, the other, of the Law of Personal Property, Pleading, Practice, and Evidence. The selection of subjects is made from time to time by the Education Committee of the Benchers.

* The curriculum here given is that of the Cork College. It varies only slightly from those followed at Belfast and Galway.

Law Scholarships are awarded upon the following examinations

SUBJECTS FOR EXAMINATION.

First Year.—Examination by the Professor of Jurisprudence—

Reddie's *Inquiries in the Science of Law*,
Adam Smith's *Wealth of Nations*, book III.
Hallam's *Middle Ages*, chap 2 and 8.

Examination by the Professor of English Law

Williams' *Principles of the Law of Real Property*.

Second Year —By Professor of Jurisprudence.

The Lectures of the Professor in the first year (see note)

Ancient Law, by H. S. Maine,

The Chapters on Social Science in J. S. Mill's *Logic*, book 6, chap. 6 to end of the book,

Austin's *Jurisprudence*, vol I, 3rd edition

By Professor of English Law.

The Lectures of the Professor for the preceding year,

Smith's *Manual of Equity Jurisprudence*,

Williams' *Principles of the Law of Personal Property*,

Smith on Contracts.

Third Year —By Professor of Jurisprudence.

Austin's *Jurisprudence*, vol II, 3rd edition,

Sandar's *Justinian*, and the Lectures of the Professor in the first and second year

NOTE.—The following works, in addition to the text books mentioned, should be referred to in connexion with the principal subjects discussed in the Lectures on Jurisprudence —

Dumont's *Bentham* (translation by Hildreth), *Principles of Legislation*, and 1st and 2nd parts of the *Principles of the Civil Code*,

Stephen's *Criminal Law*,

Spence's *Equity Jurisprudence*, Vol I, Part I,

Mackenzie's *Roman Law*

By Professor of English Law—

The Lectures of the Professor for the preceding years,

Smith's *Leading Cases on branches of the Law*,

Story's *Equity Jurisprudence*.

The Senior Law Scholarship will be awarded by examination to the most distinguished student who shall have proceeded in the course of Arts to the degree of A B, and who shall have completed the course of legal study pre-

As examples of the nature of the instruction, the following may be given —*

	Constitutional, Criminal, and other Crown Law †	Law of Personal Property, Pleading, Practice, and Evidence †
1867	THOMAS H BARTON, Esq. Professor † Subject not stated.	PIERS F WHITE, Esq , Professor † Subject not stated
Hilary Term		
Easter do	do	do.
Michaelmas do.	do.	do.
1868		
Hilary Term	do	Common Law Pleading, and on such portions of the Common Law Procedure Acts (Ireland) of 1853 & 1856, and the General Orders of 1854, as refer to the subject of Pleading
Easter do	1 Criminal Procedure 2 Criminal Pleading 3 The Law of Evidence.	The different means of acquiring Title to Personal Property.
Michaelmas do.	The Hon DAVID R PLUNKETT, Professor Constitutional Law of Engl	JAMES SLATTERY, Esq , Professor The Law of Contracts. Students are recommended to use, <i>Smith on Contracts</i> , 4th Edition, <i>Chitty on Contracts</i> , 8th Edition, and <i>Smith's Leading Cases</i> , 6th Edition
1869		
Hilary Term	The Procedure, Pleading, and Evidence in Criminal Cases	The Principles of Pleading <i>Stephen's Principles of Pleading</i> , and <i>Chitty's Precedents</i> , as his principal text-books.
Easter do	* *	* *
Michaelmas do	* *	* *

scribed to candidates for the degree of LL B in the Queen's University in Ireland

EXAMINATION FOR THE SENIOR SCHOLARSHIP IN LAW.

The Lectures of the Professors, and subjects appointed for Scholarship Examination in the preceding years.

Sugden—*The Law of Vendors and Purchasers*,
Furlong—*Law of Landlord and Tenant*,
Taylor—*Treatise on the Law of Evidence*,
Stephen—*Treatise on the Principles of Pleading*,
Stephen—*Commentaries*, books v , vi ,
Hallam—*Constitutional History*,
Broom's *Constitutional Law*,
Spence's *Equity Jurisprudence*, vol I , part I.

* The list is as full as, after inquiry at the King's Inns, it could be made

† Each course to contain fourteen lectures.

‡ The preceding Professors had been — Edmund Hayes Esq , Richard McCausland, Esq , J H Otway Esq , W B Drury, Esq , Hugh Law, Esq , David Pigot, Esq , W O'Connor Morris, Esq , John A Byrne, Esq

	Constitutional, Criminal, and other Crown Law	Law of Personal Property, Pleading, Practice, and Evidence
1870. Hilary Term	Practice and Evidence in Criminal Cases	Law of Evidence continued
Easter do.	Subject not stated.	Law of Contracts
Michaelmas do.	do	Subject not stated
1871		
Hilary Term	* *	* *
Easter do.	* *	* *
Michaelmas do.	LESLIES MONTGOMERY, Esq Professor. Constitutional Law.	E T BEWLEY, Esq, Professor Law of Contracts.
1872		
Hilary Term	Subject not stated.	Common Law Practice and Pleading.
Easter do.	Criminal Law	Procedure and the Law of Evidence
	The books lectured from will be <i>Russell on Crimes</i> (4th edition), book III, chaps 9 to 13 inclusive, and book VI <i>Stephen's Commentaries</i> , Book VI <i>Stephen's General View of Criminal Law.</i>	

The meagre extent of such instruction as qualifying for the Bar, cannot fail to strike anyone who glances at the range of subjects which a barrister's learning should cover — Equity and Common Law, Mercantile Law, Conveyancing, Real Property, and the Law of Landlord and Tenant, Criminal and Constitutional Law, Pleading, Practice, and the Law of Evidence; nor is it too much to add Civil Law, International Law, and General Jurisprudence *

* The subjects for examination for the Cambridge University Gold Medal for legal studies, are —

Elements of Roman Civil Law
Principles of International Law,
Constitutional History and Constitutional Law of England,
Principles of the General Law of England, viz. Law of Personal Property,
Law of Real Property, Criminal Law, Equity.

The course of study in the Harvard Law School comprises the following subjects, of which some are required and others elective —

REQUIRED STUDIES

1, Real Property, 2, Personal Property, 3, Contracts, 4, Torts; 5, Criminal Law and Criminal Procedure, 6, Civil Procedure at Common Law, 7, Evidence

ELECTIVE STUDIES.

Commercial Law — 1, Sales of Personal Property; 2, Bailments, 3, Agency; 4, Negotiable Paper, 5, Partnership, 6, Shipping, including Jurisdiction and Procedure in Admiralty, 7, Insurance.

The instruction, such as it is, available for those aspiring to join either branch of the legal profession, having been stated, it next follows for consideration, to what extent is the use of these means of professional education compulsory.

First, as to the qualification for the Bar.—A student may be eligible to be called to the Bar without having attended any lectures, if he pass satisfactorily a general examination upon subjects approved of by the Benchers, which examination is to be conducted by, at least, two of the Education Committee of the Benchers, jointly with the two Professors. The subjects for examination are Personal Property and Evidence, Equity, Constitutional and Criminal Law, and the Law of Real Property; but the student may select any one of the four subjects, together with the four volumes of Stephen's *Commentaries*. It will be noted that the range of knowledge thus tested, does not extend beyond subjects purely legal, and the study of the Civil Law, or of general Jurisprudence, etc., may, therefore, be avoided.

But the examination is not compulsory, and should the student elect rather to attend lectures than to submit to the general examination, his educational standing will very materially affect his professional education. Thus, a graduate of the University of Dublin, Oxford, Cambridge, Durham, London, or of the Queen's University in Ireland, is eligible, upon producing certificates of having attended *two* complete courses of lectures, which may be taken out, at his own option, from *any two* of the four Professors lecturing at the King's Inns, or in the University of Dublin. Thus his legal education may consist of Civil Law, and general Jurisprudence, Real Property and Equity—if, indeed, the latter subject does, in fact, form the subject of Prelections and Examinations in the University of Dublin, or may take the wider range of law covered by the King's Inns Professors, the subjects of Civil Law, Jurisprudence, and others, being passed by.

If a graduate in arts of the Queen's University in Ireland, he is

Equity, Real Property, and kindred Subjects—8, Real Property, 9, Evidence, 10, Jurisdiction and Procedure in Equity, 11, Principal and Surety, including Guarantee, 12, Domestic Relations, 13, Marriage and Divorce, 14, Wills and Administration, 15, Corporations, 16, Conflict of Laws, 17, Constitutional Law, 18, Debtor and Creditor, including Bankruptcy. All the required subjects, and as many as possible of the elective subjects (eleven in 1870-71) will be taught every year (*Prospectus of the Harvard University Law School, Cambridge, Mass.*)

The State University of Michigan, at Ann Arbor, has a law school with four professors, who lecture on the following subjects—

(a) On Equity and Equitable Remedies, Criminal Law, United States' Jurisprudence, and International Law.

(b) On Contracts, Bills and Notes, Partnership, and the Law of Corporations and Agency.

(c) On Constitutional Law, Estates in Real Property, the Domestic Relations, Wills, &c, and Uses and Trusts.

(d) On Pleading and Practice, Evidence, Personal Property, Easements, and Bailments.

See "The Legal Profession in America, by James Bryce," *Macmillan's Magazine*, January, 1872.

eligible on producing certificates of having attended *two* complete courses of lectures of *each* of the two law professors of any of the Queen's Colleges, and also of having passed the examinations in the college to which he belongs * But it is also provided that "the curriculum prescribed by the said two courses of lectures shall embrace all that is contained in the course now prescribed by the Professors of the King's Inns, or as the same may be from time to time varied by any rules of the Benchers" This latter clause would seem to involve, and practically does involve, an attendance of three years upon the student having the degree of the Queen's University, who may wish, by reason of his residence, or for any other cause, to take out Law Lectures at his own College, inasmuch as the first and second years being occupied with the Law of Real and Personal Property, the Law of Contracts, Equity, and Bankruptcy, and the practice connected with these branches, there yet remains the subject of Criminal Law, to which, in the Queen's Colleges, the third year of legal study is appropriated Thus, it will be seen that the law student of the Queen's Colleges is under this practical disadvantage, that he must spend three years at his own college, attending courses, comprising 72 lectures on English Law, and 48 lectures on Civil Law, Jurisprudence, etc., to attain the same progress in his professional tutelage as he could by attending only two years the lectures at King's Inns, treating of some branches of English Law only, or by attending lectures at Trinity College, Dublin, for a like period (two years), the subject treated of being, in English Law, Real Property only, the only other subjects of lectures being Civil Law and General Jurisprudence.

But even the courses of study just stated are not considered sufficient for the Law student who is not a graduate, that is, a student who has not taken his degree at one of the Universities already mentioned, or who may be of the class permitted, as non-matriculated students, to attend courses of lectures at the University of Dublin, or at one of the Queen's Colleges. The requisites of the non-graduate as to legal education are —

To attend, as a Law student, admitted at King's Inns, † in each of three years, one complete course of lectures of each of the Law

* The number of lectures is to be not less than thirty-six, and not less than five-sixths of each course The number of lectures delivered in *each* course is twenty-four attendance, therefore, on five-sixths involves the student's presence on *at least* forty lectures of each professor.

† This is enforced at the King's Inns, whether in framing their rules it was so intended by the Benchers may be doubted The practical effect is that all law lectures attended previous to admission at King's Inns are treated as of no value Students who begin college studies at an early age, are thus forced to the (perhaps) premature choice of a profession, or to incur the chance of forfeiting the heavy expense of admission at King's Inns, or to pay for and attend special lectures without deriving any advantage in their progress to the profession Young men residing near the seat of a college will naturally avail themselves more quickly of its advantages than those who, residing at a distance, must have attained an age when they may, without great imprudence, be trusted away from home before being sent to college The practice enforced works, therefore, far more prejudicially on the students of provincial or local colleges than upon those belonging to the college in Dublin within a few minutes' walk of King's Inns

Professors of the University of Dublin, and those of the King's Inns

One course of each of the Law Professors of the University of Dublin may be dispensed with on the production of "a certificate of having attended during three years the courses of lectures delivered by the Professors of English Law and of Jurisprudence, in one of the Colleges of the Queen's University, and of having passed the General Examinations in such college, on the subjects so lectured on." This attendance upon three years courses of lectures, ranging over every subject of English Law, together with attendance for two years upon lectures upon Jurisprudence and Civil Law, followed by examinations in all those branches, the Benchers consider only equal to two years' attendance, and one course of 36 lectures (12 in number in each of the three College Terms,) of each of the Law Professors of the University of Dublin, and they also deem it necessary to confirm the knowledge had in the teaching and examinations of the Professors appointed for life by the Crown to the Queen's Colleges, and therefore better practised year by year in teaching, by the instruction of the members of the Bar, whom the Benchers themselves select for periods of three years, to lecture at King's Inns * In these periods the student may commence attendance on the King's Inns lectures at any time. New to law, its terminology strange to his ears, without meaning to his mind, he may seat himself beside the student in his third and last year's course. Could it have been in the contemplation of those who regulated the course of law students, that there was to be no gradation in the instruction? Of old it was not thought judicious to put the bull on his shoulders, whose strength had not grown with the increasing weight of the calf. *Qui ferat taurum, tulit vitulam*

What has now been described being the extent of the legal education which is available in Ireland, and the amount of legal knowledge acquaintance with which is requisite before the degree of barrister-at-law can be obtained, the question is at once opened up, of the sufficiency of the provision thus made, and the suitability and propriety of the combination, without preconcert or organization, of the elements (such as they are) of education for the bar

It is manifest that, here, consideration cannot stop at merely the knowledge of law and the practical training in the use of such knowledge necessary to a barrister for the purposes of mere professional life. To comprehend any business entrusted to him, to understand how he should set about discharging it, to see his way through the progress

* The chairs in the Queen's Colleges have been held by the following —

<i>Belfast</i>	<i>Cork</i>	<i>Galway</i>
JURISPRUDENCE.		
W Neilson Hancock, LL D	Richard Horner Mills.	D C Heron, LL D, q c., M P
T E Cliffe Leshe.		John E Carnes William Lupton
ENGLISH LAW.		
E Molyneux, q c.	Francis A Walsh. Michael Barry Mark S O'Shaughnessy.	Hugh Law, q c. William B Champion, q c

of a suit or action, and to know how even the first steps should be taken, to advise with promptitude and precision upon the course to be adopted in legally enforcing a fair claim, protecting a just right, or obtaining fit redress for a wrong, and to be ready in the adaptation and use of the proper forms and suitable processes which law, maturing for generations its means and appliances in order to meet the ever-varying circumstances and the endless complications of the affairs of man mixing with man as an individual or as a member of a community, has provided to discharge its function,—to do his duty in this regard, the barrister needs a special preparation adapted to the strictly professional career he desires to enter upon. It is not strictly, though it is partly true, that in this the attorney and the litigant have the closest interest; upon the knowledge, the skill, and the dexterity of the advocate, it may be the lot of any man in the community to have, at some conjuncture, to depend for the safety of his property, of his liberty, of his life itself. To create and preserve an enlightened bench, there must be a well-instructed bar, the due administration of justice depends not more upon the capability of the judge than upon the competency of the advocate. Up to a recent time (1850) the Irish barrister may have come to the practice of his profession without producing qualifying proof of any legal study; no examinations were demanded of him, no lectures provided for him, unless indeed as a student of Trinity College he may, in old times, have listened to the learned author of the well-known, but too slightly-valued *Treatise on the Feudal Law* (Francis Stoughton Sullivan, LL D), or to the robustious oratory of Dr. Patrick Dugenan, or their successors in the law chairs. The law student need not have read any law, he became a lawyer by keeping terms, which consisted of eating dinners at King's Inns and at one of the Inns of Court within the realm of England. In spite, it may be said, of this ignoring of legal education, the Malones and Philip Tisdall, Hussey Burgh and Barry Yelverton, are to be reckoned amongst the Irish lawyers of the last century. Charles Kendal Bushe, the Pennefathers, O'Loughlen, and Blackburne adorned the Bar of Ireland in the generation of eminent lawyers passed away, and from the Irish Bench of our day come judicial utterances to the value of which the judges of England often bear respectful testimony. For none of these existed any means of professional education to fit them for the active duties of the profession, or to prepare them for entering upon practice, except by practical study in the chambers of a barrister, himself actively engaged in some particular branch of the profession. Now as regards Ireland particularly, there are very special reasons why the legal education of the barrister should not be restricted to professional training simply, but should include the systematic study of jurisprudence as a science, a close acquaintance with the principles of civil law, and a thorough knowledge of constitutional law and legal history. It is an historical truth in the past, it is a political fact in the present, that the influence of the Bar, including therein members of the profession who have attained dignity on the Bench and otherwise, infuses itself far more deeply into the system

of government in Ireland than in any other part of the United Kingdom.*

But apart from this, privileges of a peculiar and an important character are incident to the *status* of every barrister. The terms in which these were referred to in the Report of the Royal Commission of 1855, have no less force as regards the Irish Bar than that of England. The Commissioners said —“ He (the barrister) alone is allowed to plead for others in the Superior Courts, and he is not responsible to his clients for negligence or otherwise. He alone is eligible for numerous appointments of considerable emolument and responsibility in this country, including not only the higher judicial appointments, but also the offices of Recorder, Judge of a County Court, or Commissioner of Bankruptcy, and Revising Barrister. The Police Magistrates of the metropolis, also, are now selected from the Bar. In the Colonies the judicial appointments open to barristers only are also numerous ”

“The Inns of Court (the Report continued to say) being entrusted with the exclusive right of conferring or withholding a position to which such privileges as we have enumerated are incident, the community is surely entitled to require some guarantee—first, for the personal character, and next for the professional qualifications of the individuals called to the Bar. The only security at present possessed by those who employ a barrister as counsel consists in this, that any defect in the advocate may lead to the loss of practice. But there is not even such security against the appointment of an unfit person to any of the judicial offices to which we have referred ”†

As to the point last here referred to, it may be remarked that although so many years' standing at the Bar is supposed to presume actual practice, and therefore knowledge, and in this way is made a qualification for office, yet the possession of the required information should not, in the interests of the public, be taken on such a presumption, but should be ensured. More than one hundred years have gone by since the value of other than mere technical education was pointed out by the first Vinerian professor of law in the University of Oxford—“All who of late years (said he) have attended the public administration of justice must be sensible that a masterly acquaintance with the general spirit of laws and the principles of universal jurisprudence, combined with an accurate knowledge of our own municipal constitutions, their original, reason, and history, hath given a beauty and energy to many modern judicial decisions with which our ancestors were wholly unacquainted.”‡ It is a satis-

* The Privy Council in Ireland numbers fifty-four members, of these, thirteen are members of the nobility, about half (like some of the princes of the blood), non-resident, three are ecclesiastics of the Protestant Episcopal Church, there are sixteen laymen, more than half (such as Messrs Horsman, Cardwell, Sir R. Peel, etc.) formerly officially connected with Ireland, the remainder, twenty-two in number, and nearly half the whole body, are lawyers

† Report signed by, amongst other eminent lawyers, W. Page Wood (now Lord Chancellor Hatherley), Richard Bethell (now Lord Westbury, Ex-Lord Chancellor), Alexander Cockburn (now Lord Chief Justice of England), etc., etc

‡ Sir W. Blackstone's Preface, 1765.

faction to the lawyers of the present day to think how that Sir Roundell Palmer in his address on the formation of the Legal Education Association (July, 1870), did not confine himself to "our own low platform of mere law," but expressed his belief "that the Anglo-Saxon was the only civilized race in the world which at the present time did not found the practice and knowledge of jurisprudence upon systematic and scientific education," and that eminent modern law reformer reminded his auditory how "in France, Germany, and Italy there had been at all times a careful system of complete academical education for the profession of the law, not confined to the members of that profession, but extended with great benefit to members of other liberal and learned professions, and persons intended to devote themselves to the public service" Now this is almost a repetition of what was read by Blackstone at the opening of the Vinerian Lectures in 1758 "In most of the nations on the Continent, where the civil and imperial law under different modifications is closely interwoven with the municipal laws of the land, no gentleman, or at least no scholar, thinks his education is completed till he has attended a course or two of lectures both upon the Institutes of Justinian and the local constitutions of his native soil, under the very eminent professors that abound in their several universities." Pronouncing the gentlemen of England more remarkably deficient in the science of the laws and constitutions of their own country, he proceeded, in a series of observations which can never, so long as the British constitution exists, lose any of their pertinency, to demonstrate the utility of some acquaintance with the laws of the land to gentlemen of fortune, both in their private concerns and those of a more public consideration, such as serving on juries, holding the commission of the peace, or representing their country in parliament,* adding, with unquestionable truth, "nor will some degree of legal knowledge be found in the least superfluous to persons of inferior rank," an observation of wider application in an age when the higher branches of learning are no longer "caviare to the general," but far more generally attainable than at the time when Blackstone spoke.

Whilst, therefore, it may be left to the societies whose office it is to regulate the qualifications of those to be admitted to the profession of the law, to mark out the courses of study suited to the practical exercise of that profession, it is a matter of remarkable interest and utility to the educated public that the several seats of general education throughout the country should have the teaching given in their several chairs of law suitable not only for those intending themselves for the profession of the law, but also for those seeking to be members of other liberal and learned professions, or persons intending to devote themselves to the public service For the latter-mentioned classes of students it is not for the merely professional schools (such as the King's Inns lectureships) to provide; but regarding the double function to be expected of universities and colleges, their teaching for the general student and for the exclu-

* See Report of Select Committee on Legal Education (1846), xxxvii.-xl ; and the Evidence of Lord Brougham, and of Mr. Bethell (Lord Westbury).

sively professional one, their recognition as schools of law by the governing body of the Bar, the scope of their instruction extended over subjects with which the lectureships of that body do not deal, and without which legal education would be incomplete, it may be safely said that the establishment of some relation between the instruction imparted in the respective schools of law in Ireland, would prove advantageous to the professions and to the public. There might be, what does not now exist, a connection between the different systems; the nature and extent of the legal teaching given in what may be called the professional schools, have no relation to the degree to which the collegiate teaching may carry practical instruction, the very subjects lectured upon in one place have not necessarily any reference to those to be attended to in another place, the regulations fail to enforce such attendance as would make some acquaintance with all kinds of legal knowledge the qualification for the degree of barrister, and fail, too, to provide for that progressive instruction by which well-grounded knowledge would, in each case, be secured. The elementary principles of the law of the land in which he lives should be mastered by every man of education, but as to the intended professional man, as his purposes tend more and more or his inclination lead, so should the instruction partake more and more of the practical and the technical. The close investigation of particular branches, the imparting of special information, would belong to the exclusively professional school, and this should be immediately preliminary, the last antecedent, the very vestibule, to the profession itself. There the practitioner may be left to exercise himself more thoroughly in whatever course of study, or line of practice, he may be more particularly or more frequently brought into by inclination, interest, or opportunity.

In such order, fixed and regulated, should instruction be received. In all cases lectures and examinations in elementary law, the science of jurisprudence, and constitutional history, should precede the more close and more extended investigation of distinctions between the branches of pure law, and of their practical application, as shown not only in text books and books of practice, but also in the now voluminous reports of debated and decided cases. But whatever may be the future walk in the profession of the student, his information should not be confined to learning belonging to that walk alone, he would be but an indifferent practitioner in equity, for example, who, conversant with equity jurisprudence alone, went to a bar where they are (as Lord Eldon remarked) "to modify, qualify, and soften the rigour of the common law, with very little notion of its doctrine or practice." A profession such as the Bar ought not to be one of technicalities to be acquired by the exercise of the power of memory, it should rather be guided by a philosophy to be acquired by the exercise of the reasoning powers. The barrister should be well grounded in a knowledge of principles as distinguished from becoming a mere mechanical collector of cases, into which there is a tendency on the part of the profession to degenerate, when a law argument consists of a huge citation of cases, when the task of judges is to distinguish the circumstances of the authorities quoted, when reporters take down

references without troubling themselves with their application, when reports accumulate in numbers almost countless, and text-books, swelled to an unwieldy bulk, present statements and principles overlaid with masses of illustrations. From all this arises the stronger necessity for cultivating in the student the taste for a scientific acquisition of law. Further, it may be hoped that the governing bodies in the legal profession are actuated by higher motives as to professional education than to encourage the tendency which those eager for success have to devote their most earnest attention to what is calculated to be practically useful at the earliest moment, and to resort to the teaching which has this end in view. It is this tendency which has led to the reproach that "at present English lawyers were rather like skilful bone-setters than accomplished surgeons." It is evident that in the halls of a college it is not as a craft but as a science that law should be cultivated—that a professor is insensible to his duty who lowers the standard of his teaching to meet the greed for immediate profit, whose aim is mainly utilitarian, and who sacrifices to such ends as gaining immediate returns the higher and better object of laying, in the thorough knowledge of legal principles and of their historical progress and development, a foundation for the intelligible elucidation and intelligent comprehension of the actual existing law. Instruction immaturely received cannot obtain proper digestion. Of this, as regards the study of the laws, Roger North has said, "An egg may have more than its natural heat, but will hatch or addle, therefore let the motions be rather phlegmatic than mercurial, for it is a true saying, 'soon ripe soon rotten.'"

To illustrate the views just put forward, reference may be made to the teaching of the law of real property, and notably the branches relating to testamentary dispositions and to uses and trusts. Here no progress of any value can be made, no information of any depth imparted, which has not begun at the very origin of such property, which has not mastered the principles upon which it was founded, the circumstances in which those principles took shape, and the changes produced by experience, necessity, expediency, development, the influence of sovereigns, the policy of statesmen, the demands of the people, the force of occasion, as time rolled on and with it brought the pressure of events. But though this be not the class of instruction for which the governing bodies of professions may feel called upon to provide, yet it is not the less indispensable, and where it is easily available, it must be regretted that the instruction afforded by the different teaching bodies should not take the form of a definite plan, and that attention should not have been given to making arrangements by which each professor may understand his part in the plan so defined and direct his teaching to fulfilling it.

It will have been seen that the existing system of legal study in the Queen's Colleges admits of the ready adoption of an arrangement of a plan of teaching such as that just sketched, namely, elementary to be followed by advanced instruction. For its adoption and then its adaptation to the different classes of students for the Bar, arrangements with the other collegiate body in Ireland and otherwise would

be necessary, the nature of which it is intended to indicate hereafter. Here, however, before passing to another part of the subject, may be pointed out the benefit to be derived from affording easy means of making the elements of law portion of ordinary education. It is true that "all men are presumed cognisant of the law, and that ignorance of the law does not excuse," *Ignorantia juris, quod quisque scire tenetur, neminem excusat*; and that this is legally understood in the sense that persons are not, by reason of their ignorance of the law, to be exempt from the consequences of their acts. Yet it is quite evident that ignorance of the law does in reality exist, and that men are believed to have completed their education, and go forth into the world to discharge public functions, to transact business, manage landed estates, enter into contracts, written and otherwise, deal with cheques, and bills, and notes, who have never acquired any idea of even the principles which regulate public and legislative policy, or those which are the foundation of the administration of justice, of the acquisition or the transfer of property, or of its enjoyment. A doubt may freely be expressed as to the completeness of the education in which such knowledge has had no part, and collegiate bodies may be, not impertinently, invited to consider whether in the Arts course of students, an allowance should not be made for acquirements in the study of the laws of their country and in general jurisprudence, and whether such acquirements are not of such value as to warrant their substitution for, if not their addition to, the usual branches of learning comprised in the curriculum for a degree in Arts.

The nature and extent of the training provided for the instruction of students for the Irish Bar having been explained and discussed, it remains to show the period of time over which their legal noviciate shall extend.

The non-graduate shall be engaged not less than three years in the study of the law in Ireland, in every one of which one complete course of lectures must be kept. Annexed to this educational probation is the condition of keeping nine Terms' Commons in the Dining Hall of the Society of King's Inns †. He must also keep eight Terms' Commons in one of the four Inns of Court in London. As there are four Terms in each year, the non-graduate cannot be called to the Bar within a less period than five years if he elect to make his qualification by attendance on lectures. Should he, instead of attending lectures, present himself for examination and pass it satisfactorily, the period within which he can be called to the Bar is diminished, to keep seventeen Terms' Commons (*i e*, nine at King's Inns, and eight in London) will cover a period of four years, *plus* the last Term, the time necessary for which will depend on the Term

* Broom, *Legal Maxims*, p. 250 (4th edition)

† "It is ordained, that from and after the first day of Hilary Term, 1794, all computations of time in the books and business of the Society shall be by Terms — Duhgg, *History of the King's Inns*, p. 583.

when the student was admitted. Thus, if the last Term be Trinity, it will follow the preceding one (Easter) in less than a fortnight; should it be Michaelmas the interval covers twenty weeks.

The graduate of the Queen's University (Ireland), or of any of the Universities of Dublin, Oxford, Cambridge, Durham, or London, is not required to keep more than twelve Terms' Commons—six in the Dining Hall of the King's Inns, and six also in one of the Inns of Court in London. This condition may be fulfilled in a period of three years

Reference cannot here be omitted to the prejudice done to the graduates of the Queen's University electing to attend lectures at his own college, which has before been pointed out, "to embrace all that is contained in the course now prescribed by the Professors of the King's Inns," requires three years' attendance in any of the Queen's Colleges, during which time, however, the student there passes through, not only a more extended course of English law than that prescribed at King's Inns, or afforded in Trinity College, but is also instructed and passes examinations in Jurisprudence and Civil Law, for which no provision is made at King's Inns by any rules of the Benchers. In order to gain his profession in three years, his attendance on lectures in his college, in Dublin, and London, must be concurrent. To these three years' study of law, the equipoise is two years, if spent attending the law professors of the University of Dublin or those of the King's Inns. The reasons for giving this advantage are not patent. The deficiencies in the courses of legal instruction at Trinity College and at the King's Inns, have been pointed out, the reasons for preference given to professors appointed by the Benchers, or by the Board of Trinity College (and it may be added, the deputies of the latter) over the selections made by the Crown, is not intelligible; and, as the professors at the King's Inns are subject to periodical (trienial) changes, comparisons as to personal competency would be invidious.

Does the provision which renders attendance at an English Inn of Court compulsory on a student for the Irish Bar, partake necessarily of any element in the nature of professional education? The arguments used for its continuance assume that it does still as, practically to some extent, it did at the period of its enactment. The membership of an Inn of Court did, in ancient times, involve the acquisition of some knowledge of jurisprudence. There were lectures given under the name of readings, there were meetings at which questions were debated before the benchers or superiors of the society by the students, and there were exercises that were performed by the students from time to time during their curriculum. But, about the end of the seventeenth century, all these fell gradually into disuse; long before then the system had been declining, and Lord Bacon had lamented that there was not a better system of education in the Inns of Court*.

* Evidence of Lord Campbell before Select Committee (1846).

In 1541, it had been provided by an act passed by the Parliament of Ireland in the thirty-third year, sess 2, c 3, s. 3, Ir, of the reign of His Majesty Henry the Eighth, "that no person ne persons, except the partie pleintife or demandant, tenant or defendant, shall be admitted or allowed as a pleader in any of the King's four principall courtes within this his Grace's realm in any cause or matter, whatsoever it be, or yet to make or exhibite to or in any of the said four courts any declaration or bill, plea in barr, replication, or rejoinder, or to give evidence to any jury, unlesse it bee for the King's Majestie, or to argue any matter of law, or yet to doe or minister any other thing or things in any of the said four courtes, which customably hath been used to be done by one learned, or taken to be learned, in the Kinge's lawes, but such person or persons as hath or shall be for the same at one time, or severall times, by the space of—[sic] yeres complete at the least *demurrant and resiant in one of the innes of court within the realm of England, studyng, practising, or endeavouring themselves, the best they can, to come to the true knowledge and judgment of the said lawes* upon pain of an C s to any person or persons offending contrary to the proviso last before specified to anything there containd"* This was a portion of the statute of Jeofails, originally but a temporary act, but made perpetual by the statute xi Eliz, sess. 1. c 5 (Ir.) passed A D 1569

It was in the same year (33rd of Henry VIII), that the King granted to the then Chancellor (John Allen), "and to the other professors of the law, the monastery or house of Friars Preachers, near Dublin," where the Four Courts now stand, and, according to the historian of the King's Inns, the value of the royal grant and its professional convenience will not be sufficiently appreciated, without reverting to the state of Ireland and the situation of this capital in the sixteenth century. At the time of the passing of the statute, there was not, it would seem, an "Inn of Court in Ireland upon English principles, nor degrees conferred of benchers, serjeants, or barristers" "To prevent a perversion of Common Law, that declaratory statute was made, by which persons intituled to practice at the Irish Bar must be, previous thereto, — [sic] years resiant at an English Inn of Court, for it was not thought fit that any man should profess the law in Ireland under an inferior or different course of study from the English barrister," and (as the historian elsewhere states) "an establishment of the King's Inns Society, with a concurrent statute, enforcing Irish legal education at English Inns of Court, forms a solid base for the character of Henry to rest upon as King of Ireland This stately monument, impervious to the corrosive malignity of religious hate, or the perishable fickleness of political systems, must present him to impartial posterity as an enlightened legislator, profound statesman, and patriot prince" †

How do the state of Ireland and the situation of this capital at the

* A Bill (No 56) to repeal the above was prepared and brought in by Serjeant Sir Colman O'Loughlen and Mr John Francis Maguire, and ordered by the House of Commons to be printed, 19th of February, 1872.

† Dubygg, *History of the King's Inns*, pp 36 43

present day resemble the one or the other in the sixteenth century? How far do the mischiefs—the perversion—of the Common Law, now exist which it was the object of that statute to remedy? Is the course of study of law in Ireland necessarily in our time inferior or different from that of the English barrister? Assuming that Ireland does not hold out the same favourable opportunities for study as do the Temple or Chancery Lane, does the keeping of Terms' Commons in one of the four Inns of Court in London, as prescribed, meet the demand or effect the intention of the statute providing for residence for a space of years in one of the Inns of Court in England, studying, practising, and endeavouring to come to the true knowledge and judgment of the laws of the realm? It is true that the young Irishman, attaching himself to one of the English Inns of Court, sometimes finds or makes a career there which leads him, a stranger, through the crowded and teeming competition of the Bar, to the front ranks of the profession, and so along the path which Willes, and Martin, and Hugh Hill, and Keating, and Carnes have trod, on to the ermine, or to the gold robes and the woolsack. It is true, too, that trained in the schools of law which Ireland now affords, Irish students have met, in free and fair competition, the mass of students who have had all the advantages of London professional training, and have again, and again, and again taken away, as James Wilson, and John Monroe, and Thomas Ingram, and James Wyhe, and Hiram Wilkinson, and, at the very last examination, Robert McSwinney (all law students of the Queen's University in Ireland), have done, the blue riband in the students' race—the three years' studentship of fifty guineas per annum, conferred by the Council of Legal Education on the most distinguished student at the general examination open to the students of all the Inns of Court. But, as a rule, the keeping Terms' Commons in an Inn of Court in London, consists in being the reverse of the attorney mentioned in *Hudibras*,

“Hight Whackum, bred to dash and draw,
Not wine, but more unwholesome law.”

The Irish student neither studies, nor practises, nor endeavours to come to a knowledge of law, in his hurried visits, but “as in duty bound” tries the cellar, in wine and beer, of the Society which he selects to receive his fees, and dines upon the venerable oak of Gray's Inn or the Middle Temple, or amidst the newer pomp of the halls of Lincoln's Inn or the Inner Temple. Few there are, comparatively, who remain to enter the chambers of a common law or equity pleader, or a conveyancer; and, indeed, it is obvious that such students as have the inclination, the means, and the time to devote to such valuable practical training, are not led to do so by the circumstance of having to visit London for the one sole purpose of keeping Commons, but that they could, and doubtless would, seek such means of instruction, although this anomalous, unprofitable, and expensive provision in the course of legal education for the Irish bar were wholly repealed. Nor is it to be forgotten that there is much in the legal training to be had in the chambers of a special pleader, or real property practitioner in England, which, for the purposes of practice in Ireland,

must be in a main degree unlearned, or largely supplemented. The differences between pleading the general issue, and that system by which every fact is taken as admitted which is not denied, and the law and practice with respect to landed property and to judgments, may be referred to as subjects of importance and of frequent recurrence, wherein the course to be taken in Ireland is widely divergent from what the state of the law in England would warrant.

The Report of the Dublin University Commission—truly stamping this regulation as a mere form—points out how it stands in the way of the development of a complete law school in the University. There, more efficiency could be secured by adding to the studies of the law student, the time and expense which he must spend in London. The conclusions of the commission, which included men so remarkable as the late Archbishop Whately and the Earl of Rosse, and lawyers so eminent as the late Lord Chancellor Brady, and the Right Hon. Mountfort Longfield, were supported by expressions of opinion of the very weightiest kind. "It seems to me" (said the late Sir Francis Blackburne, whose forensic experience was as great as his acuteness of intellect was remarkable) "self-evident that the compulsory attendance on public lectures and on private ones to small classes with catechetical examinations, will impart and fix the principles of law much more effectually than attendance on the Courts of Westminster, or in the offices of a special pleader or conveyancer. This attendance, it will be remembered, is not obligatory, and therefore no certain benefit, no actual proficiency, is insured by a residence in London."*

In 1779 the Benchers expressed their approval of this ancient usage as "contributing much to preserve the honour and credit of the Bar." It may be hoped that within the intervening century from that day to the present, Irishmen have gathered some self-respect, and no longer feel that the honour and credit of the Bar needs any English fosterage.

It may be submitted with some confidence that unless actual advantages can be shown to arise from keeping Commons in London, it should not be made compulsory. It may be conceded that larger opportunities for instruction in conveyancing, and for acquiring precision in procedure, must co-exist with more frequent and more important legal transactions, and in a wider field of litigation; but he who heartily desires information will not need compulsion to seek the best places for obtaining it, provided always that his means and circumstances admit of his availing himself of the best, instead of improving, as best he can, those opportunities which are open to him.†

* See also the evidence of Dr Anster, pp 34 5, and of Dr Longfield, pp 44-5

† The argument used by Dr W Neilson Hancock on the discussion of this paper is worthy of attention. Dr Hancock approved of the suggestion to abolish the compulsion to keep Law Terms in England. It stood in the way of efficient legal education in Ireland. Its abolition was recommended twenty years ago by Lord Chancellor Blackburne and Lord Chancellor Brady, by an eminent jurist like Judge Longfield, and by Irish Conservative statesmen—Lord Rosse and Mr Cooper of Markree. The historical view on which the obligation to attend Inns of Court in England rested, had long since passed. The act of 33 of Henry

• Something as to the qualifications for the English Bar may not be left unsaid. Students of any of the societies must keep twelve Law Terms; by members of any of the Universities in England, Scotland, or Ireland, the Term may be kept by dining in the halls of their respective societies any three days in each Term; those who are not such members are required to dine six days

A student cannot be admitted as such, without passing a preliminary examination in English history, the English language, and the Latin language, unless he had passed a public examination in any of the Universities within the British dominions.

The course of legal education is as follows :—

Attendance for one whole year, or periods equal to one whole year, on the lectures and private classes of two of the readers, viz. :—

- 1 Jurisprudence, and Civil and International Law.
2. Real Property.
3. Common Law.
- 4 Equity.
- 5 Constitutional Law and Legal History.
6. Hindu and Mahommedan Law, and the laws in force in British India.

The Reader on Common Law has, as a special instruction, to give attention to the subject of the office and duties of magistrates. By him and by the Reader on Equity, particular regard must be given to the law of evidence; and one of the courses of each of these two Readers and of the Reader on Real Property, shall be on the elementary and the other on the more advanced portion of the subjects of their instruction.

In place of attendance on lectures, the student will be made eligible by having been for one whole year, or periods equal to one whole year, in the chambers of some barrister, certified special pleader, or draftsman in equity, or two or more of such persons

viii which first introduced it, passed by the Irish Parliament in 1542, was at one with the policy of Poyning's Law (10, Henry VII), passed by another Irish parliament in 1495, or forty-seven years earlier, that making all English statutes prior to that date to apply to Ireland. It was consonant with such a policy to require Irish lawyers to go to England where alone they could learn all the English statutes. But the policy thus inaugurated terminated in 1782, when the Irish Parliament asserted its right to separate legislation. The resolution of the Benchers in 1779 resisting the change, was natural before 1782, but every day since then, the maintenance of the practice was an anachronism. The maintenance of the practice was inconsistent with the course Parliament had adopted as to the education of the other members of the legal profession, the attorneys. In England their education was regulated by the Incorporated Society of Attorneys and Solicitors, and in 1866 it was decided to apply the same system to attorneys and solicitors in Ireland, but the Act of 1866 provided for Irish attorneys and solicitors by education entirely in Ireland. So that the principles laid down by the Dublin University Commissioners in 1853, of law education of Irish legal professional men being carried out in Ireland, was applied to Irish attorneys, whilst at the end of twenty years, by one of the embarrassing delays that paralyse the progress of legal education which is the true basis of all sound law reform, it is not yet applied to that more important branch of legal profession—the Irish Bar, with respect to which it was specially given

In substitution for these, it was formerly allowed to a student to qualify himself by passing the general examination held twice a year,* all students admitted after 31st of December, 1871, must pass an examination prior to being called to the Bar

It will be noticed that these regulations differ in many ways from those of the King's Inns; that they provide for testing the general education and the legal education of the student, and that they suggest the utility of using the existing facilities for elementary, advanced, and practical legal instruction

Examples of what subjects are treated as elementary, what as advanced, will be found in the following, which are taken from two different periods, the educational terms of Michaelmas, 1869, and of Trinity, 1872 —

CONSTITUTIONAL LAW AND LEGAL HISTORY

1869.

Six Public Lectures on "The History of the Law of Libel, and of the Laws relating to the Press"

With his Private Class, the Reader proposes to go through the cases in Broom's *Constitutional Law*, illustrating the Duties of the Subject towards the Sovereign, and the Duties of the Sovereign towards the Subject

1872

Six Public Lectures on "The Constitutional Relations of the Sovereign and Parliament since the Revolution of 1688.

With his Private Class the Reader will take — I Hallam's *Constitutional History*, from 1688 to the end of the work 2 Broom's *Constitutional Law*, from the conclusion of the *Seven Bishops' Case* to the end of the volume

EQUITY

1869.

Two Courses of Public Lectures (there being Six Lectures in each Course) on the following subjects —

AN ELEMENTARY COURSE

I On Civil Judicial Procedure in General The Origin of the Feudal System and its Influence on Judicial Procedure — II On the Origin of the Superior Courts of Law and Equity — III On the History of the Court of Chancery — IV. On Review, Rehearing, and the Appellate Jurisdiction of the House of Lords — V On the Principles of Equity Pleading

AN ADVANCED COURSE.

I On the Equitable Presumption arising from a Step taken towards Performance of an Agreement — II On the Equitable Consequences of the Substantial Performance of an Agreement — III On the Equitable Doctrine of Satisfaction — IV on the Implied Substitution of one gift for another — V On Relief against Accident

1872

Two Courses of Public Lectures (there being Six Lectures in each Course) on the following subjects —

AN ELEMENTARY COURSE

I On Relief in Equity against Forfeitures — II On the Doctrine of Equity concerning Mortgages — III On Charitable Trusts.

AN ADVANCED COURSE

I On Implied Trusts — II On the Equitable Doctrine of Conversion — III On Resulting Trusts.

* An example of the books and subjects examined upon, is given in the Appendix A The nature of the examination for the Irish Bar may be understood reference to Appendix B

In the Elementary Private Class, the subjects discussed will be —The Creation and Incidents of Express Trusts, and the Remedies for Breach of Trusts

In the Advanced Private Class, the Lectures will comprehend —The Administration of Personal and Real Assets The Equitable Doctrine of Conversion.

In the Elementary Private Class, the subjects discussed will be —The Rights and Liabilities of Married Women.

In the Advanced Private Class, the Lectures will comprehend —The Administration of Assets, Personal and Real.

THE LAW OF REAL PROPERTY, ETC.

1869.

Twelve Public Lectures (there being Six Lectures in each Course) on the following subjects —

ELEMENTARY COURSE

On the 8th and 9th Vict, c 106, and the Alterations effected by that Statute in the Law and Practice of Real Property

On the Effect of a Testamentary Charge of Debts, and the Implied Power of Sale thereby created.

ADVANCED COURSE

On Marriage and Voluntary Settlements.

In the Elementary Private Class, the Reader will endeavour to go through a Course of Real Property Law, using as a text-book Mr Joshua Williams' *Principles of the Law of Real Property*, and in his Advanced Private Classes he will examine and comment upon cases selected from Mr Tudor's *Leading Cases in Real Property and Conveyancing*, and White and Tudor's *Leading Cases in Equity*.

JURISPRUDENCE, CIVIL AND INTERNATIONAL LAW.

1869.

Six Public Lectures on the following subjects —

I The Amendment of the Substantive Law by means of the Law of Procedure, as exemplified in the Roman System of Jurisprudence — II The History of the Roman Law of Actions —III. The various modes of Trial of

1872.

Twelve Public Lectures (there being Six Lectures in each Course) on the following subjects —

ELEMENTARY COURSE

I On the Usual Form of Mortgages of Freeholds and Leaseholds, the Nature and Incidents of the Mortgagor's Estate, the Remedies of the Mortgagor's Act as to Mortgages — II On the Doctrine of Priority as between several Incumbrancers — III On Conditions of Sale, and the Judicial Construction of the Clauses usually introduced therein in the sale by Public Auction of a Freehold Estate by Lots

ADVANCED COURSE

I On Waste —II On the Right to Fixtures, as between Landlord and Tenant, Tenant for Life and Remainderman, Heir and Executor, and Mortgagor and Mortgagee

In the Elementary Private Classes, the Reader will continue his Course of Real Property Law, using the work of Mr Justice Williams as a Text-book, and in his Advanced Private Classes, he will discuss the Principal Real Property Statutes of the present reign

1872

Six Public Lectures on

I The Roman Law relating to Obligations arising from Contract, contrasted with the English and French Law on the same head (*in continuation*)
(1) The Contract of letting to hire (*locatio conductio*)

Actions at different epochs of the Roman Law, compared with those of the English Law — iv. The Roman Law with respect to the enforcing Legal Judgments by execution against the Goods and Person of the Debtor. — v. The International Rules relating to Capture.

- (a) The Right of the Tenant to Compensation in respect of Improvements, according to the Roman, French, and English Law respectively, and particularly according to *The Landlord and Tenant (Ireland) Act, 1870.*
- (2) The Contract of Partnership (*societas*)
- (a) The Principles of the Law of England and France relating to Joint Stock Companies
- II The International Law relating to Capture by Sea and by Land

In his Private Class, the Reader proposes to continue the consideration of the Law of Contracts, commencing with the Law of Sale, and contrasting it with the English and French Law upon the same subject. The text-books will be Sandars' edition of the *Institutes of Justinian*, and Benjamin's *Treatise on the Sale of Personal Property*.

The Reader, in his Private Class, will continue the discussion of points of International Law relating to "International Rights of States in their Hostile Relations," using the work of Wheaton as the Text-book, and referring to the works of the principal modern Jurists, the decisions of the Admiralty and Prize Courts of England and America, the Debates in Parliament, and State Papers relating to the cases under discussion.

In his Private Class, the Reader will discuss *Tutela* and *Curatela*, and the corresponding portions of English and French Law. He will use as Text-books Sandars' edition of the *Institutes*, *Demangeat, Cours Élémentaire de Droit Romain*, and the *Commentary of Demolombe upon the Code Napoleon*.

The Reader will also discuss, in the Private Classes, points of International Law relating to the "Rights of Neutrals," using Wheaton's *Elements of International Law* as a text-book, and referring to the works of the principal modern Jurists, the decisions of the Admiralty and Prize Courts of England and America, the Debates in Parliament, and State Papers relating to the cases under discussion.

The Reader will also especially discuss — (1.) The Modifications made in the Treatises of Vienna since 1815 (2) The Alabama Claims—The English and American cases considered.

COMMON LAW.

1869.

Two Courses (of Six Public Lectures each) on the following Subjects —

ELEMENTARY COURSE

I The Nature and Classification of Rights of Action — II The Remedies supplied by Courts of Law — III The Principal Rules of Evidence observed in Civil Procedure

ADVANCED CLASS

I. Rights enforceable by Action — II. The Rules of Pleading observed in Superior Courts of Law — III. The Trial of a Cause, particularly as regards the mode of Proof and Rules of Evidence

1872.

Two Courses (of Six Public Lectures each) on the following Subjects —

ELEMENTARY COURSE

I. The Analysis of an Indictable Offence. — II The Ingredients in various Specific Offences of ordinary occurrence — III Criminal Procedure, as well before Commitment as in the Crown Court. — IV Evidence in Criminal Cases

ADVANCED COURSE

I The Doctrine of our Law as to Criminal Intent, and the mode of proving such Intent — II Indictable Offences involving Fraud, Malice, or Negligence. — III The Procedure and Proofs at a Criminal Trial — IV Criminal Courts of Appellate Jurisdiction.

With his Private Classes, the Reader will consider the above subjects in detail, exemplify them by cases, and explain them by reference to the following Books and Treatises —

Elementary Class.—Broom's *Commentaries* (last edition), Smith's *Leading Cases* (last edition), and *Taylor on Evidence*

Advanced Class — Selwyn's *Nisi Prius*, Bullen and Leake's *Precedents of Pleading*, Roscoe's *Nisi Prius Evidence*.

With his Private Classes, the Reader will consider in detail the above Subjects, and illustrate them by Cases, and by reference to the following books

Elementary Class — *Commentaries on the Laws of England*, by Broom and Hadley, vol IV, Archbold's *Criminal Pleading* (last edition)

Advanced Class—*Russell on Crimes* (by Greaves), Greaves's edition of the *Criminal Law Consolidation and Amendment Acts*.

HINDU AND MAHOMMEDAN LAW, AND THE LAWS IN FORCE IN BRITISH INDIA.

1869

Seven Public Lectures on the following Subjects —

I — *Hindu Law*.

I The Family Relation — II Adoption — III Alienation — IV Stridhana. V Inheritance — VI Partition. — VII — Contract

II — *Mahomedan Law*.

I Inheritance — II Contract — III. Gifts — IV Dower and Divorce.

III — *Indian Law*

I The Intestacy and Testamentary Act — II The Penal Code — III The Criminal Procedure Code — IV. The Civil Procedure Code.

With his Private Classes the Reader will discuss minutely and in detail the subjects embraced in the Public Lectures.

1872.

Six Public Lectures on the following Subjects, viz —

Laws in Force in British India

I Introductory Lecture — II The Civil Procedure Code — III The Succession Act — IV Penal Code — V. Penal Code, *continued* — VI Criminal Procedure Code

In the Private Class the Reader will discuss minutely and in detail, the Subjects discussed in his Public Lectures, illustrating them by decided Cases.

Before passing from the subject of a barrister's education, it may be remarked that there is another branch of study for which hitherto, as far as I am aware, no provision has been made in any prescribed course of legal study in England or in Ireland. Yet *Forensic Medicine*, or *Medical Jurisprudence* may be considered as common ground to the practitioners both of law and physic, and to this sort of mixed science, the frequent combinations of medical with legal considerations upon inquiries relative to suspected murder, or doubtful society, or other points of the like nature, has given birth * In modern times the progress of sanitary legislation has created a special necessity for an acquaintance with the principles of hygienic science, for which, in prosecutions, or injunction proceedings, or actions at law connected with nuisances, lawyers are commonly dependent wholly on the "coaching" of the skilled scientific witness In cases connected with railway accidents, now so frequently before

* Stephen's Blackstone, 1, 8 (Ed 1868)

courts of law, counsel finds his materials for cross examination in Erichsen's work, he opens Taylor's book on poisons, or turns to the chapters on toxicology in Guy's *Forensic Medicine*, if a case of suspected poisoning be under investigation, whilst for ordinary occasions the works on Medical Jurisprudence of Doctor Taylor or of the Doctors Beck are dipped into, but few have followed the elaborate investigations of Casper and of Foderé, or traced the legally methodical arrangement in Paris and Foublanque's, and in Professor Traull's works, or examined into the various medical considerations connected with the subject of mental alienation. Fewer still have connected their studies in Criminal Law with researches with respect to the structure, functions, and diseases of the more important organs of the human body, so as to make medical evidence intelligible, and to render its force appreciable. Upon such points in judicial investigations the Court, with Crown counsel and prisoners' counsel assisting, have mainly to depend for light on whatever intelligence or information the casual medical witness may have brought to bear upon the circumstances as they presented themselves to his observation or his capacity. With a growing feeling finding expression that the important office of coroner should be confined to professional men (legal or medical), some provision for the education of legal men in the knowledge of Forensic Medicine, and Medical Police seems to have been too long delayed.

Having thus set forth the provision made in Ireland

**ATTORNEYS
AND
SOLICITORS** for the education of aspirants to the profession of the Bar, and compared it with the arrangements existing in England towards the same end, a similar inquiry with regard to the other branch of the legal profession is one which deserves no less serious and minute detail. In the interest of the individual sutor a cultivated intelligence—no unsuitable companion of high moral perceptions, aids not less in the investigation of the real facts of a case than does adequate legal knowledge in appreciating the forensic bearings of each circumstance, and in ascertaining its capability of legal proof. In an eminent degree these qualities are called for in the Irish attorney discharging the duties of Crown solicitors, upon whom, in respect of the elucidation of the facts and the punishment of the criminal, much of the important function falls of preparing the case for being fully and fairly presented to a court. From the earliest periods in the history of English Law, the relations of the attorney with the client seem to have been of a more close intimate, and confidential character, even than that of the barrister. Their duties and functions, always honourable and responsible, are at the present day more complicated and important than at any earlier time, embracing as they do a much wider field than, strictly speaking, the term *attorney* or *solicitor* imports. Finally, as has been remarked by learned authorities, "the vocation of an attorney or solicitor is deemed a *profession*, in the exercise of which every practitioner is expected not only to conduct himself with integrity

and decorum, avoiding deceit and mal-practice, but is also expected to possess a reasonable and competent degree of skill, for the want of which he is personally liable”

In the Ordinance of 1793, already referred to, the Benchers of the King's Inns acknowledged their duty to this body, and professed their intention to discharge it. On the 5th of December in that year the following was passed —“ We, the Benchers of the said society, having full power and authority to make and ordain rules and orders for and concerning the business and practice of *attorneys*, and for their admission into the said society as members thereof, and for and concerning the admission of *students* into the said society, and for and concerning their being generally admitted into the said society, and to ranks and degrees therein, and for the advancement of knowledge in the science and practice of the Law, and being convinced of the importance of the trust committed to us, and that the safety and enjoyment of the persons, property, and characters of the inhabitants of this kingdom greatly depend upon the knowledge and integrity of those who are permitted to profess and practise the science and business of the law, and conscious that, as the grant of that permission is entrusted to us, the reproach and crime will both be ours if at any time we shall admit into this society, through fear, favor, or affection, or slightly or unadvisedly, any improper or incapable person, or finding him grossly such, shall suffer him to continue therein: Therefore that the means of information and improvement may be provided and held forth to all, and that the public may not be deceived by the sanction of this society's name lavished upon the undeserving, it is ordained, etc.”—After which magniloquent preamble come ordinances as to periods of service, the age and behaviour of the apprentice, the payments to be made, but nothing as to education, save that a public examination must precede admission so as to be sworn an attorney. There does not seem to have been any step taken by the Benchers in the direction of having attorneys better educated in their profession, until their resolutions of 29th of May, 1860, requiring, after the close of that year, the apprentices' preliminary examination, and resolving further:—“ That for the improvement of the legal education of persons seeking to be admitted attorneys or solicitors there be instituted a professorship of law, specially adapted to the wants of that branch of the legal profession.

“ That an examination in law (including the practice of the courts, and the general duties of an attorney and solicitor) shall be held in the week next previous to each term, at which the apprentices who shall have then actually completed the period of their apprenticeship, or who shall be within six calendar months of such completion, may present themselves.

“ That no person hereafter to be apprenticed shall be admitted an attorney or solicitor, who shall not have passed the foregoing examination in law, unless by special order of some one of the superior courts of law or equity.”

In the following year further resolutions on the subject were made, amongst them were the following.

“Every person holding the professorship of law instituted by the fifth rule of the 29th of May, 1860, shall deliver a triennial course of lectures on the following subjects, that is to say, in the first year on Common Law, in the second year on Equity, and in the third year on Real Property and Conveyancing.

“The business of each year shall be divided into three sessions. The first, or Michaelmas Session, shall begin on the first day of Michaelmas Term, or such other day as the Education Committee shall appoint, and shall consist of twelve lectures. The second, or Hilary Session, shall begin on the first day of Hilary Term, or such other day as the Education Committee shall appoint, and shall consist of twelve lectures. The third, or Easter Session, shall begin on the first day of Easter Term, or such other day as the Education Committee shall appoint, and shall consist of twelve lectures.

“Every person apprenticed to an attorney or solicitor, on or after the 1st of January, 1861, shall attend at least two out of the said three courses of lectures. His attendance on any course of lectures shall not be deemed sufficient unless he shall have been present at three fourths of the lectures of each session of such course.

“At each lecture the professor shall devote one hour at least to the business of his class, which time shall be occupied in the instruction of the class in some approved text books, and in comments and examination thereupon.

“The course and mode of instruction to be pursued by the professor shall be under the superintendence and direction of the Education Committee, and the professor shall, on or before the last day of Trinity Term in each year, lay before the Education Committee a statement of the works or parts of works which he proposes shall be the text books of his class during the ensuing educational year. No book shall be used as such text book unless previously approved of by the Education Committee.”

The various acts for the regulation of attorneys and solicitors in Ireland were amended in 1851 (xiv and xv Vict, c 88), and again 1866 (xxix and xxx Vict, c. 84), under the latter of which the rules now in force were made. The Incorporated Law Society carry out the system of legal education so laid down for apprentices to the profession, and have themselves enlarged its scope by the institution of an Honour Course. Preliminary to being indentured, an examination in general knowledge must be passed, this comprises,

Latin — *Cæsar's Commentaries*, first book; *Sallust*, *Virgil*, first three books of the *Æneid*

History — Abridgment of *Hume's* or *Lingard's History of England*, at the option of the candidate

Arithmetic — *Galbraith and Haughton's Treatise*, or the *Theory and Practice of Arithmetic* used in the National Schools.

Book-keeping — The treatise used in the National Schools.

Geography — *Sullivan's Geography Generalized*.

English Composition and Writing from Dictation, in which Penmanship and Orthography will be taken into consideration.

With a view to encourage an advanced standard of answering in the subjects prescribed for the preliminary examination, prizes are

given annually. These prizes are to be competed for by gentlemen who may have exhibited a satisfactory degree of proficiency at such examination, and are as follows : — For the best answerer, a Gold Medal, together with the sum of £10 For the second best answerer, a Silver Medal, together with a sum of £5 No candidate to be given a prize unless the examiners shall be of opinion that he has answered sufficiently well to entitle him thereto In addition to the course prescribed for the preliminary examination, candidates for prizes are examined in the following — *Virgil's Æneid*, 4th and 5th books, *Horacé's Odes and Satires*, *Livy*, first three books; *Dr Smith's Grecian History*, *Liddell's Roman History*, *Murray's and Whately's Elements of Logic*, also the French or German Languages, optional to candidates.

The Society's professor of law delivers in Termtime lectures on Real Property and Conveyancing, on Common Law, and Equity, the courses occupying a period of three years After each course the professor holds an examination as to proficiency in the subjects lectured upon Each apprentice must attend two courses; and attendance for two legal years of lectures, each year commencing in Michaelmas Term, is involved in this regulation * Prior to admission as an attorney, the apprentice must produce the certificate of attendance and of having passed the examinations, before he can present himself for the general final examination The demand which this final examination makes upon the industry of the apprentice may be appreciated by a recital of the works from which the questions in the examinations, during the year 1870, were taken —

Stephen's Commentaries; *Broom's Commentaries on the Common Law*, *Smith's Mercantile Law*, *Smith on Contracts*; *Smith's Leading Cases*, *Williams on Personal Property*, *Williams on Real Property*, *Lord St Leonard's Handy Book*, *Sugden's Vendors and Purchasers*; *Platt on Covenants*, *Hayes on Conveyancing*, *Prideaux's Conveyancing*, *Jarman on Wills*, *Haymes' Outlines of Equity*, *Smith's Manual of Equity*, *White and Tudor's Leading Cases*, *Powell on Evidence*, *The Common Law Procedure Acts*, *Jellett's Outlines of Practice*, *Byrne on Bills of Sale*, etc.

Such is the scheme of education prepared under the statute of 1866, and carried out by the Incorporated Society. It involves compulsory attendance upon lectures, and the professor's certificate as to proficiency. The drawbacks to the sufficiency of the system would seem to be, that the largeness of the classes, fed by all the apprentices in Ireland, has a strong tendency to prevent individual instruction, or daily or even frequent examination,† and that general examinations, whether by written questions or *vivâ voce*, are usually capable of being sustained after an adequate amount of "cramming" or "coaching." Yet the frequency with which candidates in the Attorney's Final Examination are rejected, shows that the test

* The year consists of two sessions of twelve lectures each, and one of eighteen lectures, three-fourths in each session must be attended

† The class generally exceeds 150 in number Calling the roll of such a class must occupy a considerable part of the allotted hour.

is rigidly applied, whilst the actual concurrent service in the practitioner's office enabling much practical knowledge to be gathered by a diligent apprentice, affords some better guarantees for the sufficiency of the training than is given by the system of preparation for the Bar. If theoretical knowledge be supplemented by practical, and early work be watched and progress directed, when practice succeeds to pupilage, the danger is lessened of such failure, as when the statuary put the chisel into young Lucian's hand, and bid that practical beginning be made, the capacity for which, in art or profession, is half the work. But the marble was soon shivered by the unguarded and inexpert use of the implement.

From four years' apprenticeship the statute of 1866 (s 9) takes off a year for any student, matriculated or non-matriculated, who for a period of two years shall attend the lectures and pass the examinations of the Professors of Law in the University of Dublin, or of any of the Queen's Colleges. It has already been seen that in the Queen's Colleges this period covers a course of study in the Law of Real Property, the Principles of Conveyancing, the Law of Personal Property, Equity, and Bankruptcy, with Jurisprudence and Civil Law, yet the apprentice who has followed this course and passed the prescribed sessional examination, is not exempted from attendance upon the two years' courses of the Incorporated Society. There is no relation between the two systems, whether as to subjects or to matter, nor is there any arrangement by which the two courses should partake of the character of introductory and supplementary—elementary and advanced. The Legislature has given recognition to the teachings of the Queen's College professors, which practically is ignored, attendance being required in Dublin upon the lectures of the Incorporated Society's Professor, whose instruction goes on wholly independent of that in Real Property (the Law Course of the Professor of Feudal and English Law in Trinity College, Dublin), or of the more extended Queen's College course already stated.

From the provisions of several acts of Parliament for the regulation of Attorney and Solicitor, it was manifestly the intention of the Legislature to promote the acquisition of academic education, both in Arts and Law, amongst those preparing for these branches of the legal profession*. Accordingly, from the five year's apprenticeship the statute of 1866 (s 7) takes off two years for any person having taken the degree of Bachelor of Arts or Bachelor of Laws in the University of Oxford, Cambridge, Dublin, Durham, or London, or in the Queen's University in Ireland; or the degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, or Doctor of Laws, in any of the Universities of Scotland; for such, three years' service is sufficient. The precise bearing which a degree, the curriculum for which contains no law, has upon the legal fitness for a profession to which it helps, is not very intelligible, nor, so far as it

* 1 and 2 Geo IV c 48, 3 Geo. IV c 16, 1 Vic c 56, 14 and 15 Vic. c 8 See *Report of Dublin University Commission*, (1853), p 32

is intelligible, quite logical, but it may suggest the advisability of including the teaching of some law in every curriculum for a degree. It is true that the trained and practised intelligence will readily gather in the new information presented to it, and thus the lectures which, his degree notwithstanding, the apprentice must attend, will prove of more value, and the examinations which he must pass will be met with greater facility.

Having reviewed thus the course which legal education takes with respect to the preparation for the profession of Attorney or Solicitor, it may be pointed out that for both the branches of the legal profession the early professional teaching must necessarily be similar, if not identical, later, the preparation for the widely different practical work which the Barrister, whether as advocate or counsel, and the Attorney and Solicitor have respectively to perform, must lead to a divergence in the subjects of their studies and the objects of their attention. But for a while in their legal education, and always through their professional life, the knowledge of the principles on which the law is founded, and to effectuate which practice is shaped, should be to both as the steed upon which Aristo seated the two rival knights.—

“Suspicion set apart,
Like friends they ride and parted not asunder,
Until the horse with double spurring drove
Unto a way parted in two arrived”

For all education, due provision should be made for elementary knowledge in law useful to, and perhaps necessary for, every man holding a station which gives influence over the fortunes and liberties of his fellow-citizens. For the future lawyer this is essential, as the foundation for the advanced degree of legal knowledge on which depends his fitness for the duties of his particular profession. That advanced degree of knowledge must reach a point with the Barrister, which the Attorney, more occupied with practical details, cannot find even leisure to reach. Thus, doubtless, it must always be, just as in other countries, where laws founded on the adoption of the municipal law of England prevail, the attempted amalgamation of the two professions has led to the formation of firms in which the man more suited to the office takes that part of the divided labour for which his character, habits, and capabilities fit him, and the court business is relegated to him who is suited for its discharge by his information and capacity. In one New England city, for instance, whose population is about 50,000, there are, one is told, some sixty or seventy practising lawyers, of whom not more than ten or twelve ever conduct a case in court, the remainder doing what we should call attorney's or conveyancer's work*.

The examinations of attorneys' apprentices in Ireland are in all instances held in Dublin, in England provision is made for holding examinations at some of twenty-four stated towns in different parts of the provinces. The regulations† are in England, in general, simi-

* *The Legal Profession in America*, Macmillan's Magazine, January, 1872.

† Statutes, 6 and 7 Vic, c 73, 23 and 24 Vic, c 127

lar to those enforced in Ireland, but, as regards legal education, classes proceed concurrently with the lectures; the number of subscribers to each class is limited; in the class the teaching of the lecture is amplified and impressed on the memory, and a system of constant examination tests from time to time the progress made by the students. The scheme of lectures for the current year will illustrate the views of the Incorporated Law Society in England, as to the direction which the professional training of the attorney and solicitor should take.

LECTURES AND LAW CLASSES, 1871-72

Lectures on Equity, by Andrew Thomson, Esq, LL D., Barrister-at-Law

This course will consist of nine lectures on the following subjects —

Lecture I Introductory, The Nature and Extent of Equity, with a brief History of the Rise and Progress of the Extraordinary or Equitable Jurisdiction of the Court of Chancery — II III IV Trusts, and the Powers, Duties, and Liabilities of Trustees — V VI Specific Performance of Agreements, and the specific Delivery of Chattels — VII Conversion and Election — VIII Election and Satisfaction — IX Fraud, and, if time permit, the Jurisdiction of the Court of Chancery as to the foreclosure and redemption of Mortgages, and the enforcing of charges and liens, will be treated of to a limited extent

Books recommended to students for beginners—Haynes' *Outlines of Equity*, Haddan's *Administrative Jurisdiction of the Court of Chancery*, Smith's *Manual of Equity*, and Hunter's *Suit in Equity* Those gentlemen who have not commenced to read any book on Equity Jurisprudence, are recommended to read, first, Mr Haynes' book, secondly, Mr Haddan's book, in preference to Mr Smith's book For more advanced students, White and Tudor's *Leading Cases on Equity*, and Lewin on *Trusts and Trustees*

Lectures on Conveyancing and the Law of Real Property, by John Bradley Dyne, Esq, Barrister-at-Law.

Lecture I Introductory, On the Origin and History of the Law of Real Property — II Estates in Land — III The various Methods of Transferring Land in use from the Earliest Times to the Present Day — IV Uses and Trusts — V Purchase Deeds and Mortgages — VI Settlements.— VII Wills — VIII. Husband and Wife — IX Terms of Years

Gentlemen attending this course of lectures are recommended to read the appropriate chapters in Wilham's *Law of Real Property*, and the introductions and notes to Davidson's *Precedents in Conveyancing*

Lectures on Common and Mercantile Law, by Albert V Dicey, Esq, Barrister-at-Law

Lecture I The Nature of a Contract — II. The Effect of Mistake, Fraud, and Duress — III The Parties to a Contract — IV. Kinds of Contracts — V The 'Consideration' of a Contract.— VI Contracts in Writing — VII Contracts required to be in Writing by Statute — VIII Actions on Contracts.— IX Defences to Actions on Contracts

N B — The above scheme is merely a general outline of the course of lectures to be delivered The lecturer does not pledge himself to pursue the exact order of subjects there laid down, or to go through all the topics therein indicated The possibility of doing this depends partly on the proficiency of the class, and partly on the time found to be necessary for going over the field covered by the subjects of the lectures

Students are recommended to read *Smith on Contracts*, or *Leake on Contracts*, and their attention is particularly directed to the following portions of the latter work, viz — chap 1, chap 2 sections 1 and 2, chap. 3 sections 1 and 3 It would also be well for subscribers to study the case of *Lampleigh v. Braithwaite*, with the notes to it, in *Smith's Leading Cases*.

This explanation as to the means of an attorney's professional education in England, may be considered sufficient for present purposes. It is not necessary to enter into particulars of how the profession can be reached by any of the several grades to be found in England—of attorney's-clerk as described in *Pickwick*, the articulated clerk who has paid a premium, and is attorney in perspective; the salaried clerk, with nearly the whole of his weekly thirty shillings spent on his personal pleasures, the middle-aged copying clerk, always needy and uniformly shabby; or simply, the office lad, the position which Charles Dickens himself once held in Gray's Inn.*

CONCLUDING OBSERVATIONS

In the foregoing statements has been set forth all the provision made in Ireland for legal education, and this has been compared, as regards each branch of the legal profession, with that made in England, avowedly deficient as even the latter is. Before proceeding to suggest some alterations susceptible of being adopted, it may be useful to direct special attention to some topics touched upon in the valuable Report of the Parliamentary Committee of 1846, lessons contained in which should not be disregarded by those in whose hands lie the duty of prescribing the system of instruction in legal learning, and of fixing its extent in general and in professional education. The germs of the means by which improved Schools of Law in Ireland may be created, would be had in giving practical consideration to the following —

The avoidance of the practice of some lecturers of selecting distinct topics, not following a complete course, but one being sequel to the other, rather than making each course of lectures perfect in itself, forming links in a general chain of complete jurisprudence.

The propriety of introducing into the course of university studies for the general student, some instruction on the elements of jurisprudence, even by way of forming a sequel to the elementary study of mental philosophy and ethics; and of making jurisprudence (in some, at least, of the meanings by which the word is capable of definition), a portion of general education by insisting even on an elementary knowledge of it, as one amongst other conditions for degrees in arts.

That advantages would arise from making an outline of the history and progress of law, with the elements of jurisprudence from approved text-books, a portion of the undergraduate's course in the universities, in continuation and illustration of the elements of history and mental and moral philosophy; and, should the course of academical studies be so extensive as to preclude such addition, such portions thereof as are of comparatively minor importance might be suppressed, so as to allow the proposed law studies to be substituted.

Periodical examinations previous to the final one for a degree, to form part of the system; the test of the quantity and quality of the legal knowledge possessed at the moment by the candidate, not being used only at the last examination.

* Life by John Forster, 1, 111.

The practical benefit derivable by students from going into the chambers of Special Pleaders, and Equity Draftsmen and Conveyancers, assisting them in carrying on their business, and seeing how their business was to be transacted, the education thus acquired is in a great measure technical, and its acquisition must very much depend upon the individual intelligence and exertion of the pupil. Apprenticeship is, in the case of the attorney profession, the analogous system, but that is compulsory by statute.

The evil of concentrating all intellectual effort on the part of the lawyer within the limits of the courts; his ability and comprehensiveness restricted even in the very walks in which he is most successful, his moral as well as his intellectual powers injuriously affected by this narrowing—evils to be counteracted by higher educational training, directed to the application to first principles, rather than to law as a matter of empiricism.

The appropriateness of the universities and other collegiate bodies, as the establishments by which elementary education should be provided, which ought to be common to all classes, professional and unprofessional, and form the preliminary studies special to either branch of the profession.

The exclusion from the profession of the incompetent and indolent by preliminary periodical, and final compulsory examinations, following attendance upon lectures.

The institution of honours—inducements to voluntary attendance and examinations, and as tests of superior abilities and acquirements, all tending to foster the acquisition of substantial knowledge by means of habitual industry.

In the special case of the Solicitor, the necessity of early provision for his education in the higher duties and influences of his profession, before his time is absorbed in practical details and in gaining the requisite mechanical and almost manual dexterity.

Such were some practical suggestions, some acted upon, others to the value of which practical recognition has not been yet given.

Dealing with the subject of legal education, mention can scarcely be avoided of the important discussion of the subject raised in the House of Commons on the night of Friday, the 1st of March last, upon Sir Roundell Palmer's resolutions relative to the establishment of a general school of law, although again and again we find in that discussion repeated and reiterated observations familiar to everyone who had investigated the preceding discussions and evidence on the subject. The idea which Sir Roundell Palmer presented to the House, was "to have a great school where the best possible instruction upon subjects on which instruction is best worth having, should be given—a school for all students of the law, no matter what branch of the profession they propose to follow, a school also for all who desire to qualify themselves for public employment, for the work of legislation in Parliament, for the magistracy, a school, in short, for anybody who may be willing and able to profit by it."* To prove the necessity for acting on a basis so wide, the views were cited of

* See proposal in Report of Committee of 1846

the (now) Chancellor of the Exchequer —“ I think,” Mr. Lowe had said, “ legal education is a much larger question than the education of the Bar, or even of the Bench. I think it is exceedingly desirable that every English gentleman who is independent, and whose time is at his own disposal, should be educated in law to a much greater extent than is now the case.” “ It was beyond all doubt,” said Sir Richard Baggallay, “ that there were many callings in life besides the legal profession, to which a knowledge of legal principles was essential—or if not essential, a great advantage.” More than a quarter of a century after the Parliamentary Committee had taken evidence and reported—nearly twenty years after the report of the Royal Commission had been given in, following up which earnest action had been taken by the Inns of Court and the Law Society—Mr. Vernon Harcourt declares that “ it was admitted that the system of legal education in this country (England) was thoroughly and radically defective,” and the Attorney-General (Sir John D. Coleridge), expresses his opinion “ that the state of legal education in this country is not what it ought to be, and it is not worthy of the great country of which we are citizens,” whilst Mr. Thomas Hughes points out that “ organization and method were wanted in legal education.”

In what mode of teaching is the most benefit to be hoped for? The Royal Commission of 1854-5 is cited to show that by mastering principles the student becomes more interested in, and obtains a steadier grasp of practical details. The most convenient method of acquiring knowledge of these subjects is by lectures, followed by examinations, applicable both to the lectures and to the subjects generally. Sir Roundell Palmer himself “ can hardly imagine any subject in which that kind of general teaching is more wanted to correct the narrowing effect of the system of merely practical study, and we find accordingly,” he says, “ that the best books on the general principles of law, which are referred to constantly in all countries, have been the product of this system of teaching principles in large schools or universities.” How beneficial the knowledge of principles may prove, was illustrated by an anecdote of Lord Cranworth, who had said that he, an Equity lawyer, felt no difficulty in taking his seat in a Court of Common Law, because, after all, there were principles underlying almost all legal systems, which a man with a good understanding and some common sense could master in a little time.

But where are we to look to as the place in which should be found the cultivation of that fundamental and liberal knowledge of jurisprudence which must be the groundwork on which to build a system of law? How would the knowledge of the principles of law be imparted to those classes to whom it was requisite? Mr. Gathorne Hardy was “ of opinion that the law ought to be studied in the Universities in conjunction with all the other faculties, and the thing most to be avoided was an attempt to drive together, by a compulsory process, two professions which differed widely from each other. If the state took care that schools of law were established in the Universities, that proper measures were adopted by the Inns of Court for the education of their students, and that only properly

qualified persons were admitted into the two departments of the profession, it had discharged its duty, and when men were once admitted into the profession they must trust to their own exertions and to nothing else." On the other hand, as to the two professions, the Attorney-General had "no doubt that a great deal might be done (and he should like to see it done) to fuse, or rather to bring together, the two branches of the legal profession, now entirely separate in education and in the practice of the profession, but which might with great advantage be brought more closely together." "It is true," he adds, "that attorneys for the most part begin to study the profession some years earlier than barristers do, and therefore there must necessarily be difficulty in educating men of different ages in the same classes. These are practical objections not to be answered in a word or in a sentence; but, at the same time, he could not help thinking that in this country the two branches of the profession are further removed from each other than there is any necessity for them to be." Whilst, as to the responsibility of improving the existing state of things, Mr Gladstone reminded the House that "a Committee and a Commission had reported that it was from and through the Inns of Court and the Incorporated Law Society that the proposed reform must come. The only mode of raising the question was for these bodies to take the initiative, and to frame a plan for bringing legal education into a more satisfactory state." As to solicitors, a practising solicitor of forty years' standing (Mr Leeman) "believed that the right place for the education of young solicitors was in the offices of attorneys, instead of at an institution in London." Yet the value of high general education is borne testimony to by Mr Hardy, who asserts that "the best educated attorneys passed through the Universities like the barristers, and perhaps," he goes on to say, "if the School of Law in the Universities were improved, the best men in both branches of the legal profession might study there together."

What was suggested in 1846 is still wanted in 1872—namely, a plan which, each part with the other and all parts with the whole, should harmonise as much as circumstances allow, so as to form, not a series of disjointed and in some degree discordant schemes, but a progressive, mutually-assisting system, meeting the wants of age, class, and profession, and in the way and time most fitting and beneficial.*

In conclusion, it may be well to indicate the direction in which action can be taken to utilize the existing elements for legal education in Ireland, in a manner which may fairly promise satisfactory results. On those upon whom rests the office of directing and governing the legal profession, lies the duty of seeking the co-operation of the heads of universities and collegiate bodies in Ireland, in organizing a system progressive in its arrangements and comprehensive in its plan. Of these it may be asked to devote some consideration to giving practical effect to provisions so easily practicable as the following

- (1) That the whole system of legal education in Ireland be placed

* Report of Select Committee, lv v

upon an organized system ;—the teaching of the Professors at King's Inns for the Bar, and of the Professor of the Incorporated Society for the Attorney profession, to have relation to the subjects treated of in the collegiate institutions in Ireland, and to the nature of the instruction there given

(2) That the function of teaching jurisprudence and the principles of law be entrusted to the Colleges, and that attendance on such teaching be compulsory, either as a matriculated or non-matriculated student, in default of which a more lengthened attendance on the King's Inns' Lectures to be insisted upon

(3) That in the course for a degree in Arts, the Universities should give each student an option of going through the law course of his college in place of certain other subjects to be selected by them

(4) That no student be admitted to the Hon. Society of King's Inns without producing a certificate of having passed an examination in, at least, Latin, French or German, Logic, and the other ordinary branches of general education ; such examination to be had at some Collegiate institute in the United Kingdom, or otherwise as the Benchers may provide.

(5) That on the admission of the student, full recognition be given to certificates of attendance on the lectures of Professors of Law in the several colleges in Ireland ; same to be received and taken into account within a moderate period, say one year from the completion of the course.

(6) That, with a view to make the system of study progressive, the collegiate instruction upon principles should precede the lectures at the King's Inns and of the Incorporated Society

(7) That the lectures of the Professors of the King's Inns and of the Incorporated Society should deal chiefly with subjects of a strictly professional and practical character, having relation to the future branch of the profession to which the student intends to attach himself

(8) That a certificate of attendance in a practising barrister's chambers should be taken as dispensing with some proportionate part of the lectures on the particular branch of legal learning, certified to have been the subject of practical study.

(9) That a general examination before admission to the Bar should not supersede the necessity of attending lectures on certain fixed subjects of law, and passing periodical examinations therein.

(10) That the prescribed attendance at an English Inn of Court be repealed, and an additional year's study of the law, or attendance in chambers, be substituted in the period probationary to a call to the bar in Ireland.

(11) That a habit of study, whilst going through their terms of apprenticeship, be encouraged by favouring the attendance upon the lectures of the local colleges of those apprenticed to attorneys in the provinces ; and admitting such attendance in substitution for a portion of the lectures of the Professor of the Incorporated Society in Dublin.

APPENDIX A.

Subjects for the General Examination (Michaelmas Term, 1869), approved of by the Council of Legal Education, London

The oral examination and printed questions will be founded on the books below-mentioned, regard being had, however, to the particular object with a view to which the student presents himself for examination

In determining the question whether a student has passed the examination in such a manner as to entitle him to be called to the Bar, the examiners will principally have regard to the general knowledge of Law and Jurisprudence which he has displayed

The READER on CONSTITUTIONAL LAW and LEGAL HISTORY proposes to examine in the following books and subjects —

1 Hallam's *History of the Middle Ages*, chapter 8. 2 Hallam's *Constitutional History* 3 Broom's *Constitutional Law* 4 The chief Statutes from the date of Magna Charta to that of the Union with Scotland 5 The principal State Trials of the Stuart period.

Candidates for honours will be examined in all the above books and subjects, candidates for a certificate, in 1 and 3 only, or in 2 and 3 only, at their option.

The READER on EQUITY proposes to examine in the following books —

- 1 Haynes's *Outlines of Equity*, Smith's *Manual of Equity Jurisprudence* (last edition), Hunter's *Elementary View of the Proceedings in a Suit in Equity*, part I (last edition).
- 2 The Cases and Notes contained in the first volume of White and Tudor's *Leading Cases* The Act to Amend the Law relating to future Judgments, Statutes, and Recognizances, 27 and 28 Vict, c 112 The Act to explain the Operation of an Act passed in the 17th and 18th years of Her present Majesty, c 113, intituled, An Act to Amend the Law relating to the Administration of Deceased Persons, 30 and 31 Vict, c 69 The Act to remove doubts as to the Power of Trustees, Executors, and Administrators to invest Trust Funds in certain Securities, and to declare and amend the Law relating to such Investments, 30 and 31 Vict, c 132, and the Act to Amend the Law relating to Sales of Reversions, 31 and 32 Vict, c 4 *Mutford on Pleadings in the Court of Chancery*, Introduction—chapter I secs 1 and 2—chapter I sec 3 (the first six pages)—chapter II sec 1—chapter II sec 2, part 1 (the first three pages)—chapter II sec. 2, part 2 (the first two pages)—chapter II sec 2, part 3—chapter III

Candidates for certificates of having passed a satisfactory examination will be expected to be well acquainted with the books mentioned in the first of the above classes

Candidates for the Studentship, Exhibition, or Honours, will be examined in the books mentioned in the two classes.

The READER on the LAW OF REAL PROPERTY, ETC, proposes to examine in the following books and subjects —

1. Joshua Williams *On the Law of Real Property* (seventh edition) 2 The Law affecting Dispositions to Charitable Uses — *Corbyn v French* 4 Ves 418, and the Notes to that Case in Tudor's *Leading Cases in Conveyancing*, pp 456-506 (second edition) 3 The Act for the Abolition of Fines and Recoveries, 3 and 4 Wm IV, c 74, and the Notes to that Act in Shelford's *Real Property Statutes* (seventh edition) Covenants for Title, and their Construction, Sugden's *Vendors and Purchasers*, ch XIV s. 3, and ch XV pp 465-502 (thirteenth edition) 5. Alienation by Will, Josiah W Smith *On Real and Personal Property*, pp 936-1030 (third edition)

Candidates for the Studentship, Exhibition, or Honours, will be examined in all the above-mentioned books and subjects, candidates for a Pass Certificate in those under heads 1, 2, and 3.

THE READER ON JURISPRUDENCE, CIVIL AND INTERNATIONAL LAW, proposes to examine in the following books and subjects —

1. *Justinian, Institutes*, book II with the Notes of Sandars 2 Lord Mackenzie, *Studies in Roman Law* (edition 1862), part II, *The Law relating to Real Rights*, pp 151-182. 3. *Justinian, Digest*, book VIII, tit 3, *De Servitutibus Praediorum Rusticorum* 4 *Gale on Easements* (edition 1868), pp. 202-296, and pp 316-333 5 *Code Napoleon*, art 516-717 6 *Wheaton's International Law*, part III, *International Rights of States in their Pacific Relations* (Edit. Laurence or Dana).

Candidates for Honours will be examined in all the above subjects, but candidates for a Pass Certificate will be examined in 1, 2, 4, and 6.

THE READER ON COMMON LAW proposes to examine in the following books and subjects —

Candidates for a Pass Certificate will be examined in—1 *The Ordinary Steps and Course of Pleading in an Action* 2 *Broom's Legal Maxims* (fourth edition), chap. v, "Fundamental Legal Principles," and chap ix, "The Law of Contracts" 3 *Archibold's Criminal Pleading* (sixteenth edition), book I part I chap. I secs 1. to v; Chap IV secs 1 to v. 4 *The Principles of the Law of Evidence*, Best, *Evid* (fourth edition), book I, *The English Law of Evidence in General*.

Candidates for the Studentship, Exhibition, or Honours, will be examined in 1, 2, and 3 of the above subjects, and also in—5 *Smith's Leading Cases* (last edition), vol II., *Elwes v Mawes*, *Higham v Ridgway*; *Duchess of Kingston's Case*, *Marrott v. Hampton*, and *Merryweather v Nixan*, with the Notes thereto. 6. *Smith's Mercantile Law* (last edition), "Mercantile Instruments," so far as regards Bills of Exchange and Promissory Notes. *Taylor On Evidence* (last edition), part I. chapters III IV and v, "Functions of the Judge," "Grounds of Belief," and "Presumptive Evidence."

THE READER ON HINDU, MAHOMMEDAN, AND INDIAN LAW proposes to examine in the following books and subjects —

1 *Sir Thomas Strange's Elements of Hindu Law* 2. *Sir W. H. Macnaghten's Principles and Precedents of Hindu and Mahomedan Law*. 3 *Grady's Hindu Law of Inheritance*. 4 *Grady's Mahomedan Law of Inheritance and Contract*. 5 *The Hedaya* 6 *Al Siyasyyah*. 7 *Civil Procedure Code*, by McPherson. 8. *The Indian Penal Code*, by Starling (1869). 9 *The Code of Criminal Procedure*, by Starling (1869). 10 *The Intestacy and Testamentary Act*

Candidates for Honours will be examined in all the above books and subjects, but candidates for a Pass Certificate will be examined—1 In Hindu Law on the following subjects, viz, *Adoption*, *Alienation*, *Stridhana*, *Inheritance*, *Partition* 2. In Mahomedan Law on the following subjects, viz, *Inheritance and Contracts*, *Gifts*, *Dower and Divorce*. 3 *The Civil Procedure Code* 4. *The Penal Code*. 5. *The Criminal Procedure Code*. 6. *The Intestacy and Testamentary Act*.

APPENDIX B

KING'S INNS — EASTER TERM, 1870

Students shall be eligible to be called to the Bar, who, without qualifying by attendance at Lectures, as heretofore (15th April, 1864) required, shall have satisfactorily passed a General Examination

The oral Examination and printed questions will be founded on the books mentioned below, but the student merely desirous of obtaining a Certificate of Fitness for Call to the Bar, may select ANY ONE of the four subjects of Personal Property and Evidence, Equity, Real Property, and Constitutional and Criminal Law, together with the four volumes of Stephen's *Commentaries*.

The Examination for Prizes will be in all the branches, and in order to obtain a Prize, the Candidate must answer so as to qualify in two courses at least out of the four appointed.

1st — *Examination in Personal Property and Evidence.*

The books whereon the Examination will be founded, are —

Taylor on Evidence, 5th Ed., Part I, Chaps 1, 2 and 3, Part II, Chaps 1 to 13, and 18 and 19

The following Cases and Notes, contained in the first and second volumes of Smith's *Leading Cases*, 6th ed. — *Twyne's Case*, *Coggs v Bernard*, *Ashby v White*, *Cumber v Wane*, *Lampleigh v Brathwaith*, *Luckbarrow v Mason*, *Waugh v Carver*, *Collins v Blantern*, *Cutter v Powell*, *Manby v Scott*, *Seaton v Benedict*, *Montague v Benedict*, *Paterson v Gandasequi*, *Addison v Gandasequi*, *Thompson v Davenport*; *J'Anson v Stuart*

Smith on Contracts, *Stephen on Pleading*, last edition, *The Common Law Procedure Amendment Acts*, 16 and 17 Vic, c. 113, and 19 and 20 Vic. c. 102

2nd — *The Examination in Equity*

Mitford on Pleading, 4th Ed, 1827, Introduction, Chap 1, pp. 1 to 61, Chapter 2, Sec 1, Sec 2, Part I, first three pp, Part II, first two pp, Part III, Chap 3

The following Cases and Notes, contained in the first and second volumes of White and Tudor's *Leading Cases*, 3rd Ed — *Ackroyd v. Smith*, *Elbankes Montoleu*, *Elhson v Elhson*, *Fox v Mackreth*, *Glenorchy v Bosville*, *Hulme v. Tenant*, *Keech v. Sandford*, *Streatfield v. Streatfield*, *Strathmore v Bow v Basset v. Nosworthy*, *Huguennin v. Baseley*, *Stapilton v. Stapilton*, *Ryall v Rowles*

Haynes's Outlines of Equity.

3rd — *The Examination in Constitutional and Criminal Law.*

Hallam's Middle Ages, Part III, Chap 8, *Hallam's Constitutional History*, 1st vol, Chaps. 1 to 9 — 2nd Vol, Chaps 13, 14, and 15, *Archbold's Consolidated Statutes*.

4th — *The Examination in the Law of Real Property.*

Williams (Joshua) on Real Property, 7th Ed., *Hayes on Conveyancing*, *Fearne on Contingent Remainders*.

In addition to the above Four Courses, every Student will be liable to be examined in Four Volumes of Stephen's *Commentaries*.