## THE HISTORY OF THE FRENCH BAR. |

We make the following extracts from a review in the London Athenaum of a work recently published in Edinburgh, entitled "An Historical Sketch of the French Bar, from its Origin to the Present Day," by Archibald

Philip the Bold "imposed upon advocates the obligation of swearing that they would only take charge of those causes which they believed to be just, the vefusal to take the oath being punished with interdiction." There were, however, occasions on which the practising barrister could not comply literally with the injunctions of politeness and complaisant snavity, but was required to give his client's opponent the lie in very offensive though conventional language. For instance, in applying for permission to test the justice of a claim by judicial combat, counsel were obliged to give and take the lie direct; but in discharging this function of vituperative allegation advocates were careful to say that, in thus speaking words of high disdain and insult, they were only speaking officially and from no sentiment of personal disesteem for the honorable gentlemen whom it was their painful duty to accuse of falsehood and theft. Having concluded his address to the bench, the advocate who applied for a judicial order authorizing a trial by combat, threw his client's glove into court, thereby making the wager of battle. Whereupon the counsel for the defense, if he objected to so rude and insecure a way of deciding a question of fact or point of law, offered arguments against the application, and added:—"In case the Court should think that the statement made by the opposite party is sufficient to sup-port the wager of battle, my client denies the facts set forth; on the contrary, he affirms that he who has caused these allegations to be made lies, and is ready to support this by himself or by his champion, and thereto pledges his gage." Whereupon giving his gage, the defendant, in his own person, addressed the Court in the familiar "you're another" strain. If the Court authorized the combat, the plaintiff and defendant were left to settle their differences in the lists by fighting to the death, or till one of them cried craven. But it was held that if, through inadvertence or excessive zeal, the counsel of either party made, or appeared to make, his client's cause a personal affair, by putting the offensive parts of his address in the form of direct and personal affirmation instead of official statement, it was held that the principal against whom he appeared might make him a party to the quarrel, and even elect to fight him instead of crossing lances or breaking cudgels with his employer. "Antoine Loisel, in his 'Dialogue des Avocats, says the author, "makes mention of an advocate named Fabrefort, who was on the point of being compelled to enter the lists in person, because, whilst stating the case for Armand de Montaigne, one of the parties in a judicial combat, he affirmed that he was ready to make good his averments with his body in the field, without taking care to make it clear that he said this for his client, and not for himself. Those present on the occasion thought this a capital joke, and the unlucky Fabrefort was much laughed at for

the domestic interests and private relations of the French lawyers of past time is a droll anecdote of Bude, the judicial scholar and writer of the sixteenth century, who was so absorbed in the studies and practice of his profession that, on being informed that fire was consuming his house, he replied to the messenger who had brought him news of the mishap, "Tell my wife; I don't meddle with domestic affairs." More fortunate than Bude, whom he resembled in devotion to with announcements that his kitchen chimney had taken fire. When the first Napoleon asked Henrion why he had never married, the advocate replied, "Upon my word, sire, I never had time." But the story of the French bar is bright with incidents which show that devotion to legal study neither deadens the affections nor leaves lawyers without time for the softer sympathies; and of the anecdotes which exhibit the fine humanity of French lawyers there is none grander and more pathetic than the record of Ared de Loiscrol's death during the Reign of Terror. Together with his son, Ared de Loiscrol had been thrown into prison, where they occupied the same chamber on the night preceding the day appointed for the younger captive's execution. Disturbed by anticipatious of final separation from his child, the elder Loiserol passed the night in sleeplessness whilst the son slumbered tranquilly. The morning came, and the younger Loiscrol was still unconscious, when the authorities summoned him to endure the appointed death, and seizing the opportunity for a sublime exhibition of parental devotedness, the father answered the summons, was accepted by the officers, and "perished, a victim to his paternal affection, the night before the fall of Robespierre."

Amongst Mr. Young's stories illustrative of

The fees of the French bar in olden time were moderate, but they seem to have generally exceeded the payments made to the counsel of feudal England. Philip the Bold ordained that no advocate should receive a larger fee than thirty livres Turnois, a sum equivalent to about £27 of ourmoney. "Advocates were to swear that they would receive nothing above that sum, directly or indirectly, and they were liable to be declared infamous, and to be perpetually interdicted for any violation of this oath," How long this legislative interference with the natural remunerations of labor deprived advocates of part of their due rewards is uncertain; but that the restriction came to be disregarded in the course of six generations, we may infer from the regulations made by Charles the Seventh for the government of the Bar, which, making no mention of a maximum fee, merely enjoin advocates "to be moderate in their fees, both for pleadings and writings, which seems to show that the old regulations restricting them to thirty livres Turnois had fallen into disuse." A century later the advocates had raised their demands, and insisted on such heavy fees that they incurred much odium amongst the populace and resentment in higher quarters. To restrain the greed of lawyers by fixing clearly upon them the obloquy of whatever extortions they might commit, the ordinance of Blois, promulgated by Henry the Third, required advocates to give signed receipts for the fees paid them by their clients: whereas their ancient practice had been to make no written acknowledgments of the sums rendered to them for professional services. The resistence of the Bar, however, rendered the ordinance futile, though Sully, in the following reign-indignant at the extortionate maltreatment of his relative, the Duke of Luxembourg, who had been compelled to pay to an advocate the fee of 1500 crowns, a sum nearly equal to £500 in the present day—insisted that the rule should be enforced. Whereupon the lawyers protested against the indignity put

of no avail, had recourse to a co-operative process that would now-a-days be termed "a strike." "Their repeated and respectful remonstrances having been ineffectual, the advocates went, two and two, in a body, to lay down the functions of their office, deciding upon 'voluntarily abandoning the profession of advocating rather than obeying a law injurious to their honor.' Four hundred and seven advocates thus solemnly protested against the ordinance of Blois. When the Parliament met, there were no advocates to plead. Justice was at a stand still, and the capital on the verge of an outbreak." The strike ended in the triumph of the advocates, who resumed their usage of demanding exorbitant fees in the name of justice, and declining in the name of honor to acknowledge the receipt of them. With similar success but for a better object, the Parisian Bar, dur ing the troubles of the Fronde, resisted the unscrupulous policy of Cardinal Mazarin with almost perfect unanimity. The occasion of this strike amongst the wearers of the long robe was the Cardinal's banishment of Omer Talon, on the compulsory retirement of which able magistrate "the Bar refused to appear and plead, and nothing could shake their resolution. The Cardinal then issued a de cree, and procured its registration, empowering the procureurs to plead, even in appeal cases, instead of advocates." But the advocates held out; and on the procureurs being found incompetent to discharge the functions of their professional superiors, Omer Talon was recalled and replaced, and the bar enjoyed a signal victory, to the equal surprise and confusion of M. Rose, the one advocate who, to curry favor with the powerful Cardinal, had had the shameless audacity to separate himself from his order, and during the continuance of the strike to appear in court and apply for judgment by default. The course, by which Cardinal Mazarin vainly endeavored to terrorize the French barristers on strike into submission, was adopted with another result in England, during Charles the

causes in which the coif-wearing malcontents should decline to appear.

That the French advocates of the eighteenth century demanded large fees and earned princely incomes may be inferred from the splendid and dazzling appearance which their leaders made in the society of the capital. By moderate fees, notwithstanding the magnitude of his practice, the superbly handsome Normand, "the Eagle of the Bar," would have been unable to maintain his sumptuous house and magnificent equipages. Like Normand, his immediate precursor in the eighteenth century, Gerbier, who died batonnier of the order of advocates in 1781, drew enormous sums from his clients, which he squandered on sumptuous and luxurious living. He is said to have received a single fee of £1000 from the Company of the Indies, and £20,000 for his successful conduct of a single cause in which Sieur Cadet was his client.

Second's reign, by Francis North, who,

whilst Chief Justice of the Common Pleas,

crushed the "dumb-day" rebellion of the

sergeants by threatening, in spite of their monopoly of practice in his court, to hear

utter-barristers and even attorneys argue the

Perhaps the most singular fee accorded by client to counsel in France or any other country was the honorarium by which Charlotte Corday expressed her sense of obligation to her chivalrous advocate, Chauveau-Delagarde, "You have defended me in a generous and delicate manner," said the 'angel of assassination" to Chauvean-Delagarde, when her condemnation had been pronounced: "it was the only proper defense. I thank you for it; it has made me have a regard for you of which I wish to give you a proof. These gentlemen inform me that my property is confiscated; I owe something in the prison, and I leave to you the payment of the debt." The heroine who could thus pay debt his profession and disregard for all other | with debt was the angel of insolvency as well cares, Henrion had no wife to disturb him as of assassination, and instead of putting an end to her life, France should have implored her to exercise her genius to liberate her

> Of the pleasant and, let us hope, well-attested stories in Mr. Young's volume, the fol-

> country from the burden of its pecuniary obli-

lowing is a specimen:-

"The Constitution of 1799 virtually abolished the French republic, and established in its stead a consulate. It also brought about a judicial reorganization, and the par-whose members had all along kept up the spirit of brotherhood and some degree of disciplinebegan again to consolidate itself. In the winter of 1800, the profession was greatly scandalized by a circumstance arising out of the intimacy subsisting among its members, and the perfect confidence they repose in the honor of each other. An advocate of the name of Gatrez-an able man, but addicted to raillery and practical jokesone day called upon Blaque, and informed him that he had been consulted by the poultry-merchants of the town of La Fleche, in a question with the poultry-merchants of Le Mans, in regard to a monopoly objected to by the latter. He showed a memoir, signed by himself, for the merchants of La Fleche stated that he had confined himself to inducing the objectors to present a petition to the Minister of Police, and concluded by asking Blaque for his signature. Blaque somewhat rashly signed the paper upon the statement of Gatrez, and the latter, fortified by this signature, proceeded to call upon a number of other advocates. To those who desired to read the document that he wished them to sign, he answered that he would call again; but from the rest of his brethren he obtained twenty other signatures, among them some of the most illustrious names in the profession. He forthwith printed the memorial with these names attached; and, to the astonishment and horror of those who had signed it, and to the scandal of the whole body of advocates, it turned out to be a pasquinade of twenty-four pages, entitled 'Ques-tion of State for the Fat Pullets of La Fleche against those of Le Mans, full of the most incredible absurdities, narrated in a style of pompous burlesque. Cicero, Julius Casar, Theseus, Achilles, Arria, Lucullus, Voltaire were referred to, and nothing was left undone to compromise the too confident signers of the document. The ridicule was inevitable; but the Bar drew from it the useful lesson never to give signatures in judicial affairs as a matter of confidence, and without knowing what they were signing.

With respect to the professional education of French advocates, the author observes: "According to existing regulations, the education required in order to become a member of the French bar is of a very high character. The student must obtain the diploma of Bachelier-es-lettres at certain public schools. and must then present himself at the Ecole de Droit, where he is inscribed as a pupil, and where he studies under certain professors for a period of three years, attending lectures on Roman law, on the Code Napoleon, on the study of law generally, on criminal legislation, on civil and criminal procedure, on administrative law, on the law of nations, and on the history of Roman and French law, together with conferences on the Pandects. He must also write theses on the Roman law,

upon their honor; and, finding their protests | and on criminal and commercial law. He must then undergo examinations on all these different subjects, and if he succeeds in passing them, he receives, at the close of his third year, the diploma Licencie en Droit, and is entitled to be sworn before the court and called to the bar. If, however, he wishes to obtain the higher degree of Doctor of Laws, which is necessary for those who aspire to become professors in any of the departments of local education, he must attend a fourth year at the Ecole de Droit, compose a thesis, and submit to certain additional examinations. This lastmentioned degree is also a recommendation, though not an absolute necessity, for admission to judicial and magisterial functions. The diploma of Licentiate costs £44, the degree of Doctor about £23 more,"

## Godfrey of Bouillon. A correspondent of the London Athenaum

The hero of the first Crusade is said to have been the son of a count of Bouillon. There was a Eustace, Count of Boulogne, of Guisnes and Terouenne, who figures largely in our an-

writes as follows:-

nals. He visited England before the conquest, and married Goda, a sister of Edward the Confessor. Returning homewards with his bride, he got into a discreditable squabble with the people of Dover, and embroiled the whole nation so effectually that Earl Godwin and his family were banished in 1051. In this journey he was the precursor of Duke William, whose subsequent visit, made while Saxon influences were at a discount, may have been owing to his representations. In 1066 he joined William in his memorable expedition, and, performing prodigies of valor at Hastings, was rewarded with land in many countries; much of it being the forfeited property of his old opponent Godwin's family; notably, Westerham, in Kent, and Witham, in Essex. Besides his marriage with the widowed Goda, or Godgifa, mentioned above, he subsequently wedded Ida of Lorraine, sister, and apparently heiress, to Godfrey le Bossu, Duke Lotharingia. He had three sons:—1. Godfrey of Bouillion, Marquis of Anvers, Duke of Brabant and kusse Lorraine, and King of Jerusalem; 2. Baldwin, Count of Edessa, second King of Jerusalem; 3. Eustace, Earl of Boulogne, the only one who appears to have left issue. He married Maria, daughter of Malcolm, King of Scotland. Matilda, his daughter and heiress, married Stephen, Earl of Blois, afterwards King of England. King Stephen gave Witham, which he thus inherited, with other immense possessions, to the Templars. His only son, Eustace, Earl of Boulogue, who died young, also dealt in the same manner with other property derived from the same source. I do not know the fate of the first Enstace. opposed William's Justiciaries in 1067, fled from England, was reconciled, returned, and lived to fight again in the reign of William Rufus. In Domesday he is always called "Count Eustace," Clear as all this may seem, it is open to doubt. Mr. Wright, in his "History of Essex," calls Godfrey grandson of this Eustace, The "Penny Cyclopedia" says (V., 270) that Godfrey's father was named Gustayus. None mention a wife, yet, according to an entry in Domesday, he appears to have been married when young. In Domesday, under the county of Surrey, are mentioned many possessions of Geoffrey de Mandeville, a powerful Norman baron. He was Portreeve, or Governor, of London for the Conqueror, He possessed one hundred and eighteen lordships in various counties; had his headquarters at Walden, in Essex, and founded the monastery of Hurley, in Berks. He was grandfather of the first Earl of Sussex. This is what Domesday records of his possessions at Aultone, in the hundred of Waletun, Surrev:- "De his hid: ten: Wesman vi hid: de Goisfrido filio Count Eustachij, hanc tra: ded: ei Goisfrid: de Mannevil cu: filia sua." I read, | to Brindisi, on the east coast of Italy, which "Of these hides, Wiseman holds six hides from Godfrey, sen of Count Eustace, which land Geoffrey de Mandeville gave to him with his daughter." If there is faith in records, this must refer to Godfrey of Bouillon; and the gift is evidently a marriage portion. It is curious to note the identity of Godfrey and Geoffrey. Both names are called Goisfrid. The hundred of Waletun corresponds, I believe, with the modern Wallington; but I am not aware if Aultone has been traced. The survey was finished in 1086. The hero of "Gerusalemme Liberata" was born about 1000. In 1081 he was fighting in Germany for and against the Emperor Henry the Fourth, who married his sister Praxeda, started on the crusade 1096, reached Jerusalem 1099, died 1100. History is silent about this marriage.

## CONVENT SCHOOLS.

What is New Thought of Them. The Vienna Press writes as follows:-The agitation aroused by the outrage at the armelite Convent of Cracow is continually increasing, and it causes all other oxestions to be The measures which the pality of Vienna propose to take, and which the municipality of Cracow have already taken, will not stand alone. We learn that other munici-palities are about to make the same manifesta tions, and their resolutions, supported by public meetings held for that purpose, will stret the Government in its onward course, and ultimately bestow upon the country a law upon the convents in harmony with the principles of the new Constitution. The fact has been demonstrated by experience that at least three-fourths the novices of the different religion orders are recruited in the convent schools In those schools the directors first of all cast their glances upon the pupils whose disposititalents, social position, and means, may ultimately render them useful members of the order; and with the resources of all kinds placed at their disposal by a system of education skilfully planned for that purpose, they operate upon these young minds, and gradually lead them by gentle pressure to the great act of the renunciation of the world. It is principally in the numeries that these manduvres are practised. Very few nuns are to be found who have not passed through a convent school before embracing the religious life. These educational establishment, therefore, should be the first dealt with if the influence of the convents is to be curtailed; and it is above all the system of education of young girls in Austria that must be reformed if the pernicious and deplorable competition it meets with in the girls' schools of the convents is to be neutralized.

-Poor Carlotta had enough method in her madness to smash a bust of L. N. B. at Lacken. -Mr. C. C. Hazewell, of the Boston Traveller s an early riser. He finishes his day's work at

-Pu-kwa-no, or "Smiling River," an Indian quaw, "at least" 117 years old, has been visiting Stoux City.

—Caleb Cushing charged Mexico \$30,000 for taking care of her case before our Mexican

Claims Commission.

—Ah Bow has sued out an injunction in Idaho against the foreign miners' tax, as in con-

flict with the Burlingame treaty. -The Cincinnati Gazette notes a new method of electioneering for office. It says small pieces of pasteboard, about two inches square, taining the names of persons who are willing to serve a term in the Legislature, are in circulation. The Gazette thinks the people have had too much of the pasteboard gentlemen.

## MONT CENIS.

The Rallway and the Tunnel. A European correspondent writes as fol-

The railway is not so curious, nor is the mountain scenery so superlatively grand, as to draw the tourist from the Simplon, St. Gothard, St. Bernard; much less from the Splugen passes. But the making of this road, and the boring and burrowing now in progress under the Alps for its completion, in connection with the struggle of commerce and capital, men and nations-for short communications among each other and to open the Orient; this it is which gives to Mont Cenis and to Italy, just now, a commanding commercial and human interest.

Since I have been abroad the Pacific Rail-road has been finished. I have read of the ceremonials. The silver hammer and the golden spike; the lyric poetry and the pious prayers all is over. Trains are running (including my friend George Francis) with irregular regularity from ocean to ocean. A few men are made very rich, and the poor government has an unfailing source of political scrofula till she "sells out" her interests. But it is a great thing. I do not underrate its influence, either as a highway connecting remote parts of our own country, or through the interior, which it will develop, much less as a link in the great Asiatic chain of commerce. Indian, Mormon, mineral, metallic, and military-'strong box" and weak-kneed questions-all of interest to us, a nation, stride before the mind, as it calls up the grand completed enterprise. Two-thirds of the area of the Union s locally affected by it, but all of the Union and all the world are affected by its relations to exterior commerce. How that road was built-the grants of land and gangs of work men-of "rings" and picks, troubles and ies, bonds and rails, speculations and spikes, aloons and spades, gamblers and galleries corruptions and locomotives, which have been instrumental in setting in motion what some one has called this "Hell on Wheels," is a matter I only glance at, to contrast with the work, aim, and object of the Mont Cenis Railway and its forthcoming tunnel!

Both roads have one object, viz.: a short route to the East. It is the old dream of the Portuguese and of Columbus-the path to Cathay, the road to wealth, the fabled, uncounted wealth of the realm of Prester John !

Mont Cenis is a big barrier: and when sierced with its tunnel it will be a gigantic link in the great chain of commercial communication around our globe. That we all can see. Going from Western Europe to the East, one must cross the Alps, or go around them by land or water. If you go via Marseilles-by land-there is a railroad link yet to be made from Menaco to Genoa, though the carriage road-the Comiche-is one of the finest in the world. If you steam from Marseilles eastward, you lose in time. If you travel through the Straits of Gibraltar, with even the canal at Suez open, more time still is lost, compared with railroad travel. If the Marseilles route were complete by rail, there would still be an inconvenient angle, a great deflection from a right line drawn from London and Paris to Alexandria, in Egypt. make Alexandria the objective point for the present. It will be so, especially if Suez is successfully opened on the line eastward, for many years, until the Turkish roads are built to connect the Austrian lines with those running into Asia. When that is done our Pacific roads lose their prestige, and the question of speediest transit over Europe and Asia is settled in favor of the Turkish routes. Until then Mont Cenis has but one competing route eastward as the shortest and best-that is, the route over the Alps, not far from Innspruck by the Brenner pass. Running southwest from England or Ostend as far as Munich, it then runs south to Verona, and thence by a not very straight line to Ancona; and thence is the terminus also on Italian soil of the Mont Cenis route. From Brindisi you have scarcely four days of voyaging to Suez. You may now reach Alexandria, either by Cenis or Brenner, in seven days or less, from Paris or Lordon, When the Mont Cenis tunnel is completed, will it not, by enhancing the safety of travelling and reducing the time, make this route the most available? Certainly for France, Belgium, and most of Germany it will be so; and why not for England? When the tunnel is made, Paris is sixteen hours of Turin, and less than six days from Egypt and Suez.

To America—the infant Hercules—rejoic ing in his strength, overcoming the Sierras, and rushing with the scream of the locomo tive over paths where the snows never meltand, at this time especially, a sketch of the Mont Cenis Pass, and something of its history, may not be unwelcome.

The railway, when completed, will not pass under but near Mont Cenis proper. The present railroad follows very nearly the old post road, built by France, which may be considered as connecting Chambery with Turin though the ascent of the railway does not begin fairly till you reach St. Michel. It ends on the Italian side at Susa. It is eighty-three miles from Chambery to St. Michel : from St. Michel, by Modane (where the tunnel begins), to Susa, it is fifty miles. It is all done by daylight. The tunnel is about eight miles. It ends on the Italian side, at Bardonneche.

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