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LEGAL EDUCATION IN GREAT BRITAIN

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LEGAL EDUCATION IN GREAT BRITAIN.

Admission to the legal profession in England is controlled by organizations representing the solicitors and barristers, the two great divisions into which the profession is divided. This control by private organizations is peculiar to England, and a proper appreciation of the present condition and tendencies in English legal education therefore requires a somewhat detailed account of these societies and their activities.

The division of the profession into two classes, the solicitors and barristers, does not exist in the United States. The activities of the solicitor correspond, roughly, to those of the so-called office lawyer in America, while the barrister corresponds to the trial lawyer. The solicitor may appear as an advocate in the inferior courts and in noncontroversial matters in chambers before judges of the High Court. By the conveyancing act passed in 1881 the solicitor is permitted to do all kinds of conveyancing, a field formerly belonging exclusively to the barrister. The barrister's chief function is to conduct trials before the High Court; he is employed by the solicitor and does not come in contact with the client in the first instance.

THE LAW SOCIETY.

The incorporated Law Society was established in 1827 and incorporated in 1831, succeeding an earlier society dating back to 1739. In 1833 courses of lectures were established for law clerks, and the present system of instruction dates from 1903. The society's control over admission to the roll of solicitors is derived from parliamentary sanction.¹ The society now has a membership of over 9,000 scattered throughout the United Kingdom and the Crown colonies.

THE LAW SCHOOL OF THE LAW SOCIETY.

The law society is not only an examining body, but since 1903 has maintained a system of instruction in London and at various provincial centers and also a correspondence course. The principal law school is maintained in the society's building in London. It is presided over by a principal and director of legal studies corresponding to the dean in American schools; there are, in addition, a

¹ Secs. 6 and 7, Vict., ch. 73; 7 and 8, Vict., ch. 86; 23 and 24, Vict., ch. 127; 33 and 34, Vict., ch. 23; 36 and 37, Vict., ch. 61; 37 and 38, Vict., ch. 66; 38 and 39, Vict., ch. 77; 40 and 41, Vict., ch. 26.

reader, ranked as assistant professor; six tutors ranking as instructors; one lecturer on commercial law; a tutor in criminal law; and a tutor in accounting and bookkeeping. The supervision of the school is in the hands of the legal education committee of the society, which is composed of 10 members of the council of the society, 5 members representing provincial law societies, and 2 members of the London law students' society. The teaching year is divided into four terms of about eight weeks each. Classes are held at such hours as will best accommodate the clerks who are in solicitors' offices. The courses covered embrace the topics covered in the intermediate and final examinations.

Attendance is not required. In 1913 the attendance was 209. This number seems small when compared with the total taking the examinations, but it was greater than in preceding years.

Examinations are held at the end of each course, but attendance is voluntary and does not exempt from the finals or intermediate examinations.

The fees in the law school are relatively low—£10 for complete course and revision class; correspondence, £7; extra order, £15.

The report of the society shows a falling off in the number of articles registered since 1902. In 1902, 785 articles were registered as against 534 in 1912, a decrease of 251. Solicitors admitted in 1902 numbered 557; in 1912, 494, a decrease of 63.

In addition to the law school maintained in London instruction is given in various provincial centers, the society making grants to local societies for this purpose. In many instances these local schools are maintained by local universities, under the supervision of boards of legal studies made up of representatives of the university local law societies and the law society. The latter has been largely instrumental in the formation and administration of these schools.

In 1914 the society granted £2,275, or \$11,375, to provincial law societies. The law society is represented on the boards of the following centers of legal education:

- Aberystwyth. University College of Wales, degrees.
- Birmingham. Board of legal studies, prizes.
- Brighton. Classes, Sussex Law Society.
- Bristol. Board of legal studies (Bristol and district), prizes.
- Cardiff. University College of South Wales and Monmouthshire, joint board of legal studies and local societies.
- Hull. University of Leeds, Yorkshire, board of legal studies.
- Leeds. University of Leeds, Yorkshire, board of legal studies (railway fare paid for students in district), degrees.
- Liverpool. University of Liverpool and board of legal studies (prizes and scholarships), degrees.
- London. School of the law society (also qualifies for University of London); LL. B. examinations, degrees, prizes, and scholarships.
- Manchester. University of Manchester and Manchester Law Society, degrees.

Newcastle-up-on-Tyne. Newcastle board of legal studies.
Nottingham. University College and Nottingham and Midland board of legal studies.
Sheffield. University of Sheffield and Yorkshire, board of legal studies, degrees.
Shrewsbury. Shropshire Law Society, University of Wales.
Swansea. University College, University of Wales, Aberystwyth, Neith board of legal studies, degrees.

Of these 15 centers, 10 are connected with local universities and 7 are degree courses.

The scope of the course of study will be dealt with in connection with the local schools.

CORRESPONDENCE COURSES.

Correspondence courses are also offered by the society for the benefit of articled clerks who are not convenient to a local center. A correspondence tutor is employed. In 1913 65 students were thus instructed, the fees being £8 10s. for the finals. The correspondence study is not advocated except for those students who reside a distance from a local center. With the growth of center school, the importance of the correspondence study will decrease.

ORGANIZATION OF LEGAL EDUCATION.¹

As preliminary to admission to the rank of solicitor, the candidate must be articled or apprenticed to a solicitor in active practice, the period of the apprenticeship ranging from three to five years, according to the amount of previous education. Holders of the A. B. degree from Oxford, Cambridge, Dublin, Durham, London, and Queen's College, Ireland; the LL. B., LL. D., A. B., or A. M. from the Scottish universities, and "utter" barristers, serve three years. Barristers of five years' standing are not required to enter into articles, but need only pass the final examination. By action of the Master of the Rolls and the Lord Chief Justice and the Lord Chancellor, students who have had one year of study in an approved law school before entering into articles are required to serve but four years. All others must serve five years.

THE BARRISTERS.

The barristers are members of the inns of court of the various law inns. Only the four principal ones survive. They are Lincoln's Inn, Gray's Inn, the Middle Temple, and the Inner Temple. Each inn has the right to call its members to the bar, but for the sake of uniformity in requirements and for the purposes of instruction, the

¹ The laws relating to solicitors and legal education of the same now in force are to be found in 6 and 7 Vict., ch. 73, 1843; 7 and 8 Vict., ch. 86, 1844; 23 and 24 Vict., ch. 127; 33 and 34 Vict., ch. 28; 36 and 37 Vict., ch. 81, 1873; 36 and 37 Vict., ch. 66, 1873; 37 and 38 Vict., ch. 66, 1874; 38 and 39 Vict., ch. 77, 1875; 40 and 41 Vict., ch. 25, 1877.

"Council of legal education," composed of representatives of the several inns, has been established. Unlike the law society, the right of the inns to call to the bar is not based upon legislative sanction but upon immemorial usage. The origin of the inns themselves is shrouded in obscurity, although their existence in form is traceable as far back as the thirteenth century, when, with the establishment of the court of common pleas at Westminster, by a clause of Magna Charta, there resulted the congregation in London of lawyers and their apprentices who resided together in hostels or inns. To the four principal inns which still survive were attached subsidiary inns, 10 or more in number, called the inns of chancery. It was customary for apprentices or students to begin their readings in one of the inns of chancery, transferring after two years to one of the four inns. The usual period of apprenticeship during the early period was seven years. The apprentice resided in the inn, attended lectures or readings, copied pleadings and participated in the moots and botes presided over by the benchers or governors of the inn. It was in the inns that the English law was first scholastically taught, and to this fact Prof. Maitland attributes the escape of the English law from the fate that overwhelmed the native law of Germany and Scotland at the hands of the all-conquering Roman law.

Outside of the inns no opportunity for the study of the common law was found until a comparatively late period. The first lectures of any kind at the universities were given in 1758, when William Blackstone began his career at Oxford. All writers agree as to the vitality and activity of the inns in teaching in the thirteenth, fourteenth, and fifteenth centuries. The corporate life of the inns constantly declined from the sixteenth century, until by 1845 the benchers had ceased to concern themselves with teaching, and the requirements for the bar became purely formal. In 1852, as a result of agitation, the council of legal education was formed, being made up of 20 benchers, 5 from each inn. The council has drawn up the "Consolidated Regulations" governing admission of students to the inns and calls to the bar.

The council has created a board of legal studies consisting of members of the council and the teaching staff, the latter consisting of seven readers and four assistant readers. This board directs the education and examination of students, and the law school of the inns is conducted under the supervision of this board, the administrative work being performed by the director of legal studies, who is also a reader or professor. Classes are held in the halls of the inns, each inn taking turns in providing lecture rooms. The work of the year is done in four educational terms of from three to four weeks each. Residence in the inns is not required, but the student is com-

pelled to "keep terms"—that is, by dining in the inn of which he is a member. Members who are also members of the principal English, Scottish, Irish, and Welsh universities keep terms by dining in their inn any three days in each term: Twelve terms must be kept before the student is eligible to a call to the bar. In some instances the keeping of term may be modified, but not to exceed two terms. Students not members of a university as above must dine six days in each term. Solicitors of not less than five years' standing need not keep terms, but must pass the final examinations. Each student pays £5, which entitles him to attend classes while he is a student. The fees are much less than in the school of the law society.

The expenses of the school are met from a common fund maintained by the inns. All fees are paid into this fund, and each inn contributes a minimum sum of \$1,800. Deficits are met by the inns in proportion to the number of students.

Attendance on the lectures is not required, although an effort is made to induce attendance by making the examinations cover the work of the lecture room. Although 1,639 were registered in the inns in 1913, the average class attendance in the most popular classes, those in English law, was only 100. The custom of not attending lectures prevails in nonprofessional schools both in England and on the Continent, preparation for the examinations being made by private study or under tutors. This practice is in striking contrast to the practice in American colleges and universities generally, where attendance on the lectures is required as prerequisite to the examination.

OTHER LAW SCHOOLS.

Faculties in law exist in the Universities of Cambridge, Oxford, London, Leeds, Sheffield, Manchester, Liverpool. In the Universities of Birmingham and Bristol; University College of South Wales, Cardiff; and University College, Nottingham, courses in law are offered, but no faculties of law have been organized. Courses in law are also provided at various provincial centers, under the patronage of the law society.

In Scotland, faculties of law exist in the Universities of Edinburgh, Glasgow, and Aberdeen. Some instruction in law is given at Dundee and St. Andrews, but there is no law faculty.

There are two types of university organization, represented on the one hand by Oxford, Cambridge, and London, and on the other by the Scotch universities and the modern city universities, of which Manchester is a type.

The organization of Cambridge is typical of the first class. The university is composed of a number of distinct colleges, each with its

own teaching staff, buildings, officers, and property, all united together in a larger body corporate having its own distinct organization and officers, with teaching staff and property. This latter body, known as the University of Cambridge, is alone entitled to confer degrees. The university employs a staff of law teachers, and nearly every college maintains one or more law teachers. In many instances the same man holds a position on the university staff as well as on that of the college. Twenty men are employed by the colleges and university in the work of legal instruction. Each college looks after the administrative details of the students on its rolls. The work of the various colleges and the university in law is correlated through a special board made up of representatives of the university and the colleges. A chairman selected for each year corresponds to the dean of an American school.

The organization at Oxford is similar to Cambridge, the work being coordinated by an administrative board composed of the university staff and certain elected members. The faculty of law contains 4 professorships, 4 readerships, 1 lectureship, and 10 or more tutors. In the newer universities, with the exception of the University of London, which in many respects is more like Oxford and Cambridge, the organization is similar to that in American universities, with faculties of law, medicine, etc., each faculty being presided over by a dean. This form of organization obtains also in the Scottish universities.

PRELIMINARY EDUCATION.

The Law Society.—A preliminary examination is required of all students before entering into articles. To this rule there are numerous exemptions, as follows: Holders of A. B. or LL. B. degrees of the principal English universities of England and Ireland; or of A. B., LL. B., LL. D., of Scotland; and students who have passed the public or intermediate or matriculation examinations in the principal universities need serve but four years under articles. The preliminary examination of the society is given four times a year in about 20 cities and towns and covers the following topics: (a) Writing from dictation; (b) writing short English composition; (c) arithmetic, algebra to simple equations, elementary geometry, Euclid, Bks. I to IV; (d) geography of Europe; (e) history of England; (f) Latin; (g) any two of the following languages—Latin, Greek, French, German, Spanish, Italian. (May take geometry or algebra and two languages, or both and one language.) This examination represents in content about the equivalent of the first two years in the better American high schools.

THE INNS OF COURT.

An applicant for admission to the inns must not be a solicitor or attorney, a parliamentary agent, a notary public, receiver under bankruptcy, clerk to accountant, engineer, or surveyor, and must not be engaged in trade or be an undischarged bankrupt. A certificate of moral character is also required.

All applicants, with certain exceptions, must pass a preliminary examination. Students are exempt from this examination who have passed a public examination at any British university.

The topics for examination are English, Latin, and legal history. This examination is less extensive in scope than that prescribed by the law society. The law society requires mathematics and makes Latin optional, while the council of legal education omits the former and requires the latter. The examination itself is quite elementary, more so than that of the law society, representing somewhat less than the equivalent of the first year in the classical course of a good American high school. Most of the applicants come from the universities or the great public schools like Rugby; so in practice the scope of this examination is of no particular importance.

ENTRANCE EXAMINATIONS AT OXFORD AND CAMBRIDGE.

General entrance examinations are not held by the universities either at Oxford or Cambridge, admission being in the control of the several colleges, but at both institutions general examinations are given to candidates for a degree, whether for the arts degree or degrees in law. At Oxford this first university examination is known as, "responsions," the corresponding examination at Cambridge being the so-called "previous examination." In both of these examinations stress is laid on the Greek and Latin classics. In addition to these topics in the previous examination at Cambridge, papers are set in Paley's evidences, elementary logic, chemistry, geometry, arithmetic, elementary algebra, and an English essay is required. If the student is a candidate for the law tripos, he must pass in one of the three following additional subjects: Mechanics, French, German. In the responsions examination an additional subject selected by the candidate from the following list may be offered: (1) Greek or Latin historical or philosophical authors; (2) French, German, or Italian historical or philosophical authors; (3) Bacon's *Novum Organum*; (4) *Elements of Logic*. The Universities of London, Manchester, Leeds, Sheffield, and Liverpool hold a matriculation examination. That at London embraces English, elementary mathematics, Latin or elementary mechanics, physics, botany, chemistry. One other subject must be selected from an established list. The Universities of Liverpool, Manchester, Leeds, and Sheffield

have the same matriculation examination administered by a joint board. This examination embraces English language and literature, English history, mathematics, and a choice of three, one of which must be a language, from the following list: (1) Greek, (2) Latin, (3) German, (4) French, (5) mechanics or physics, (6) chemistry, (7) geography, natural history.

The entrance or matriculation examinations of the other English and Welsh universities correspond closely to those given by the joint board just considered.

SCOTTISH UNIVERSITIES.

Candidates for the degree of LL. B. and B. L. in Scotland are required to possess much more preliminary training than obtains in England and Wales. Candidates for the LL. B. degree in Glasgow and Edinburgh must hold an arts degree from a recognized university. Candidates for the B. L. degree must pass the preliminary examination for admission to the course for the arts degree, Latin being required.

CONCLUSIONS AS TO THE PRELIMINARY EDUCATION.

It will be noted from the above detailed statement that in the English schools, including the schools of the law society and the inns of court, examinations are required in the English language and literature, mathematics, Latin, except in the schools having a joint matriculation examination, where, however, a foreign language is required. In Scotland a degree in arts is required if the applicant is a candidate for a degree of LL. B.

INTERMEDIATE EXAMINATIONS.

Examinations by the law society and council of legal education for enrollment as solicitors and call to the bar are given in two parts, called the intermediate and final examination. The intermediate examination of the law society is given four times a year. Articled clerks are eligible to take it after 12 months. Exemptions are allowed for all candidates who have taken examinations for the LL. B. degree at the universities of Great Britain or honors examinations at Oxford and Cambridge. The examination is based upon readings from some general text, such as Stephens' Commentaries on the Law of England, and thus constitutes a general elementary survey of the whole field of the law. The nonlegal examination, from which there are no exemptions, covers the subjects of trust accounts and bookkeeping, quite elementary in character. At the examination in 1913, 62 per cent of the applicants passed in the legal examination and 66 per cent in the nonlegal. The general scope of the examination is similar to the examinations in elementary law in American universities usually given as a nonprofessional course.

COUNCIL OF LEGAL EDUCATION.

The intermediate examinations of the council of legal education, which may be taken at any time after admission to the inns, are also held four times each year, papers being set in the following subjects: Roman law, constitutional law and legal history, criminal law and practice, real property or Hindu and Mohammedan law or Roman-Dutch law.

The only exemption from this examination is in the case of degree holders where Roman law was required, or those who have passed an examination in Roman law at a recognized school. The examination itself is very general in character. In content it is not as broad as that of the law society, except that Roman law is required, but a very elementary knowledge of Roman law is sufficient to pass the examination. The choice between real property and either Roman-Dutch law or Hindu-Mohammedan law is significant of the varied character of the British Empire and the many systems of law that come under its sway, and also of the fact that many British subjects, Hindus mostly, are students of the inns, who, after their call to the bar, practice in various parts of the Empire.

INTERMEDIATE EXAMINATIONS AT THE UNIVERSITIES.

The intermediate examination prevails in all the universities of England and Wales under various names. In the Scottish universities the intermediate and final system does not prevail, though the student is advised to pursue the subjects first that are indicated for the intermediate examinations in the English universities. Roman law is a subject in the intermediate examinations of all the universities; jurisprudence in four; law and customs of the constitution in seven; constitutional history in three; elementary law in one; international law in one. No intermediate examination includes real property or criminal law except that of the inns of court. In the United States all of the first-named subjects would be regarded as nonprofessional subjects, to be taught in the arts department rather than in the professional schools. The course in constitutional law is essentially an historical course, the frame of government of Great Britain excluding such subjects as constitutional limitations, which is an important topic in American law and legal instruction. The intermediate examination is taken after the period of one year in residence, and embraces at Cambridge and Oxford a large number of nonlegal subjects in addition to those already indicated. Thus at Oxford, where the A. B. degree is granted, the student must pass in translations from Latin prose authors, logic, or Bacon's *Novum Organum*. At the other English universities where the degree of LL. D. is granted, the intermediate usually includes some nonlegal topics, as philosophy or economics, logic or political economy or ancient history (Leeds, Manchester, Liverpool, London).

FINAL EXAMINATIONS.

The final examinations which precede the call to the bar or the degree, are usually taken at the end of the third year of residence, although the period may be extended to four or five years at the option of the student. It is possible for a good student to prepare for all the examinations in a year and a half of study in the case of the examinations of the professional societies, and two years at Oxford or Cambridge, possibly less at the other universities, although it is not possible to be called to the bar, to be enrolled as a solicitor, or to secure a degree in less than three years of registration. Thus at the Inns of Court the final examination may be taken after keeping 6 terms, or 1½ years, but a call to the bar requires 12 terms.

The legal subjects offered in the schools of the professional societies and the universities correspond in the main to the subjects found in the curricula of the law schools of the United States. Topics are not so minutely divided for purposes of instruction as in America, equity embracing not only topics that are taught under that name, but the principles of trusts and quasi-contracts as well. Frequently the general title "mercantile law" will embrace bills and notes, sales and contracts. The equitable doctrines peculiar to contracts and torts are usually given as part of those subjects, while in America the opposite practice prevails. An examination of the papers set in legal subjects in England and Scotland gives the impression that the courses in law are much less intensive and thorough than in the best American schools. The lack of division in the topics and the relative shortness of the courses suggest the same conclusion. Such a conclusion, however, can not be based on the latter circumstance alone, owing to the methods of instruction, the formal lecture playing a relatively small part in the law student's education, supplemented as it is by private tuition and individual study. The general character of the final examinations is, however, an accurate index of the preparation expected.

The finals in the honor school of jurisprudence at Oxford and the law tripos at Cambridge are of a high order. It seems to be admitted that the standard of honor examinations in these two universities, from which come the bulk of university men who go to the bar in England, is much higher than that of the professional societies, and an effort has been made by the universities to secure exemption from the societies' examination for their students who have passed the honors examination in the particular subject. Two royal commissions on university education in London, the Gresham commission of 1895, and the commission headed by Lord Haldane, the present Lord Chancellor, reporting in 1913, have indorsed such a plan, but so far it has not met the approval of the professional societies concerned.

The exemption would secure a twofold purpose in the opinion of its advocates, a diminishing of the great number of examinations, and an increase of candidates for the bar who have pursued a university course.

DEGREES.

The usual baccalaureate degree in law is LL. B. At Cambridge this degree is given to those who successfully pass the law tripos or honors examination in addition to A. B. Those who fail to take honors, but pass the special and general examinations, receive the degree of A. B. merely. Oxford does not grant the LL. B. degree, but graduates in the honors school in jurisprudence receive the A. B. degree.

The first postgraduate degree at Oxford is B. C. L., requiring a year's study beyond the A. B. degree; the reading for this degree comprises a comprehensive course of legal study, recognition for which was asked of the professional societies previously referred to.

D. C. L. is conferred after five years' further study, on the basis of a thesis and examination. Cambridge and Liverpool confer as a second postgraduate degree LL. M. Candidates must be LL. B. of at least one year's standing. London, Manchester, Sheffield, Leeds, and Cambridge confer the degree of LL. D. The recipient must be a graduate of five years' standing, and the degree is awarded upon the basis of a thesis and examination. The thesis is the essential thing and must indicate distinguished attainment in some branch of legal learning. No course of study is provided for this degree, and it is not strictly a degree in course. The University of Durham, although it does not maintain courses in law, examines for and confers B. C. L. and D. C. L.

The law schools of the professional societies do not confer degrees, although the school of the law society maintains a course preparing students for the LL. B. examination of the University of London. A number of other English universities also maintain courses for the London LL. B.

HONORS.

An extensive system of prizes has been developed by the universities, notably Oxford and Cambridge, for the purpose of encouraging scholarship. The honors school of jurisprudence at Oxford and the law tripos at Cambridge are based upon special attainments, beyond the ordinary pass degree, both in the standard and scope of the examination. In addition there are numerous scholarships and special awards. Both professional societies offer prizes and scholarships. Honor examinations, open to men who have attained a certain standard, are held by the law society after each final. The subjects covered are the same as in the final, though of a more searching

character. Of the 635 students in 1913 taking the finals, 312, or 49 per cent, took the honors examination, and 55 of these, or 17 per cent, passed, indicating a relatively high standard. The awarding of most of the prizes and scholarships offered by the society depends on the result of the honors examinations. The council on legal education likewise holds honors examinations after each final, and on these much depends in the way of prizes and professional arrangements.

CALLS TO THE BAR.

Having completed the requisite number of terms in his inn and passed the final examinations, the student is called to the bar by the inn of which he is a member. This is an occasion of some ceremony. The names of those called are entered on the records of the High Court and the barrister is then authorized to act as an advocate. The solicitor student, having served the requisite period under articles, passed his final examinations, and filed a statement of his service by the solicitor to whom he was articulated, is given a certificate of admission, which when signed by the master of the rolls entitles him to enrollment as a solicitor. The total fees exclusive of the fees paid to the solicitor amount to \$650.

In Scotland the bar is also divided into two divisions, comprising the society of law agents, or writers to the signet, comparable in the duties and privileges to the solicitors in England, and the faculty of advocates, similar to the barrister. No schools are maintained by these societies and admission is obtained by apprenticeship and examination.

In the case of law agents an apprenticeship of five years is required, except for those holding an arts or law degree from any university in Great Britain and Ireland, when the period of apprenticeship is three years. Holders of the LL. B. or B. L. degree of any Scottish university, who have served a three years' apprenticeship, are admitted without examination except as to forms of process subject to the qualification. If Scots law or conveyancing is omitted from the subjects covered by the degree, the law examination in the omitted subjects must be passed. The applicant for admission to the faculty of advocates must attain a degree of scholarship as represented by the attainments of the holder of an A. M. degree of a Scottish university or the holders of bachelor of arts degrees from certain other universities recognized by the dean of the faculty of advocates. If the applicant has not so graduated, he must pass an examination in Latin, Greek, or (in his option) French, German, or Italian; mathematics or natural philosophy or chemistry; metaphysics and logic or moral philosophy and logic; and the history of the United Kingdom.

One year after satisfying these requirements the applicant may proceed with his examination in law, provided he has not engaged in any trade or profession during the year, either as principal or agent, and, provided further, that he shall produce evidence of attendance such as is required for a law degree in a class in Scots law, and a class in conveyancing in a Scottish university and evidence of like attendance in a class of (a) civil law; (b) philosophy of law and international law, public or private; (c) constitutional law or history in a Scottish university or another university or school as may seem to the dean and council of advocates equivalent thereto, and (d) medical jurisprudence in a university or a school qualifying for university degrees. On the producing of the above evidence, the applicant is examined in the subjects heretofore set out.

If the applicant has obtained the degree of LL. B. from a Scottish university upon an examination on the subjects stated above, he is deemed qualified in law without further examination. Applicants are then admitted by vote of the faculty of advocates after defending publicly a thesis assigned from the Pandects by the dean of the advocates. The advocate is entitled to plead in every court in Scotland. The principal law offices of the Crown, the judges of the court of session, and the sheriffs are chosen from the faculty of advocates.

The examinations in both the schools of the professional societies and the universities are conducted by special examiners appointed for the occasion. The instructor who gives the course may be a member of the examining board, though not necessarily so. This practice is quite the reverse of the methods obtaining in the United States, where the instructor gives the examination in the subject taught by him. The English system resembles rather admission to the bar in most American States, where the board of examiners have no part in the instruction of the persons examined. It is customary for an instructor in one school to act as examiner in another school.

The common form of examination in American law schools is by hypothetical questions. This form is sparingly used in Great Britain, particularly in the intermediate examination; somewhat more so in the finals and honors examination. The examination would be of inordinate length if the hypothetical case were alone used, because of the great scope of the examination. A great deal of narrative matter is demanded, on account of the historical emphasis which characterizes so many of the courses. Stress is laid on wide reading and information rather than on legal reasoning.

METHODS OF INSTRUCTION.

As to the methods of instruction it is difficult to speak with precision. In general, the formal lecture method obtains, a form of teaching that is now little employed in American schools. It is to

be remembered, however, that instruction in Great Britain does not end with the lecture; in fact the lectures are supplemented by an elaborate tutorial system, and the bulk of the work is done under tutors and special coaches. While the practice of compelling attendance at lectures obtains in many of the newer universities, attendance is not required by the schools of the professional societies or the universities of Cambridge and Oxford. In addition to the lectures, readings in approved treatises are suggested, and the examinations are framed on the content of such treatises. Cases are not used as the sole basis of instruction, and, when used at all, are merely illustrative. The tendency, however, is away from the formal methods now so largely in vogue.

IN GENERAL.

It seems to be agreed that the best men who come into the professions do not as a rule do so through the law courses of the universities. The reason for this is partly due to the fact that the great academic prizes at Oxford and Cambridge are in the humanities and mathematics. The best-prepared men accordingly go into these subjects, for traditionally the winners of the big academic prizes have a certain prestige that later on stands them in good stead professionally. It is possible to keep terms at the inns while in residence at the university, and a year or so of study in chambers in London enables men to pass the rather elementary legal tests. Another reason doubtless is that no credit for the work done at the university, aside from a few topics, is given by the professional societies.

This situation is gradually changing, however. Outside of Oxford and Cambridge the number taking law degrees is very small. It is within the power of the professional societies to change the practice by insisting upon higher preliminary training and more thorough legal training. The royal commission on university education in London in its report in 1913 strongly advocates a great law school in London whose professors shall engage in scientific work and teaching, this school to be connected with a university. The commission seems to feel that it is a serious drawback to the law schools of the professional societies that they are so absolutely separated from general university influences. At present the bulk of the law teaching is done by members of the bar in practice, and it seems to be the sentiment of the profession that this is the proper arrangement. It is urged that university teachers are too theoretical; that they are not in a proper position to convey an adequate idea of the law. This attitude is in striking contrast to the continental idea and the growing practice in America of recognizing law teaching as a distinct profession.

One striking point of contrast between the curriculum of the English and American law schools is the attention given to Roman law, and

the general sentiment of teachers and lawyers that a correct understanding of the English common law can only be had through the portals of the civil law. There is much to be said for this attitude and it is recognized by law teachers and legal scholars in America, but so far little progress has been made in offering effective courses, owing to the feeling on the part of students, reflecting the views of the profession, that such courses are not practical.

Another feature of the English practice that is of great value and to be commended is the emphasis placed on the study of the history of the law. Many doctrines of the common law are not intelligible when taken out of the historical setting, a fact which American law teachers appreciate but are not able as yet to realize in their teachings, owing to the pressure of time and demands for courses in practice.

The so-called practice courses, so much a feature of American law schools, are notably absent from the curricula of English schools. This is due in part, no doubt, to the conviction that such courses can not be effectively given in universities, and in part to the practice of reading in chambers and serving as articled clerks. The English schools are not expected to fit students for active practice while the American schools are, and have in many cases carried practice instruction to a length unjustified by the results obtainable. The large amount of time given to Roman law and history of law means a very brief course in English law, far too brief for effective training. American schools err on the other side, and while the training in the common law is admirable in the better American schools and in every way superior to anything that is being done in Great Britain, yet the history of law, comparative law, and Roman law are for the most part ignored. Among the many plans suggested for improving legal education in Great Britain, one of the most admirable is to give credit for substantive law courses pursued at the universities, the professional societies confining their activities to instruction in matters of practice. It is believed that this would encourage an extension of the English law courses in the universities and also compel the student to be trained in matters of practice before entering the profession, something that is not at present required of barristers, though it is of solicitors under the system of articled clerks. The present Scotch system carries out this idea in part, since the degree from the university satisfies the general knowledge of law requirement. In America the desired combination of thorough training in substantive law coupled with familiarity with practice can be worked out through requirement of an office apprenticeship in addition to the law-school training.

The English schools are distinctly inferior to the American schools of the better type in the point of teaching the English law. Yet,

in spite of this, the English bar as a whole is without question in point of efficiency and professional spirit superior to the bar in America. The administration of justice in England, particularly in the matter of criminal justice, is more speedy and efficient than in America. For this there are many reasons, but one of the most potent lies in the character of the bar itself. This superiority is due in part to the strong professional spirit, but largely to the thorough general education that in practice precedes the entry upon legal study and a professional career. Over one-half the barristers in England are university graduates. One of the lessons that America can draw from England is the insistence not so much on severe prolonged legal training for those seeking a legal career as upon a broad and thorough university training.

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