QUEER CUSTOMS IN ENGLISH LAW; Divorces Are to Be Obtained FUNNY PRACTICES IN COVETS Only in London; How Clients FUNNY PRACTICES THE COVETS Must Pay Double and Triple Fees

Must Pay Double and Triple Fees for Legal Services

By E. Lisle Snell. IVORCE and how to get it-cheap -is the topic of the hour in Engand. A Royal Divorce Commission "sitting" on the subject, and the legal fraternity who have made divorce such an expensive commodity have also been severely "sat on" during the course of this searching investiga-

One member of the bar, however, maintained before the Royal Commissloners that man and woman should never be separated except at great cost in law. He gave as his reason the curious one that Mr. Adam and Mrs. Eve were joined together in Paradise "for better or worse," and, as no law courts existed in those days, Eve had to stand for Adam no matter how foolish he behaved. But the lawyer forgot that Eve was just then the "onliest" woman on the scene. Things might have been different had there been any co-respondents floating about wearing diaphanous fig leaves in a jaunty fashion.

Seriously, divorce in England is, from the legal point of view, one of the most expensive luxuries. It seldom costs less than \$500 to obtain legal severance of the nuptial knot, and, at times, the expense runs into thousands of dollars. Naturally the lawyers get all these fat fees, and an effort is being made by several special philanthropic societies towards cheapening legal separation and putting connubial unhappiness on the market at a much lower figure than the present quotations.

According to English law, a woman has to be well-nigh murdered by her husband before she can seek redress in the courts. The divorce law, as it stands today, is a strictly man-made institution, going back to the times when woman was virtually a chattel slave. English law and lawyers seem specially fitted for keeping up this ancient fiction, and when an aggrieved or aggravated party seeks redress—particularly a woman—ancient practices and enormous fees bar the way and make the obtaining of relief almost impossible. It was stated before the Divorce Commission recently that in England alone, to say nothing of Sections and Welse. to say nothing of Scotland and Wales, upwards of 20,000 couples are living the proverbial "cat and dog" life simply because they cannot put into operation the antiquated and costly machinery of

The Divorce Commission has brought The Divorce Commission has brought out one fact very plainly—that the law is still, as Charles Dickens designated it years ago, "an hass." Its forms and formularies, "quips and quiddities," are still as asinine, in many particulars, as they were in the time of Shakespeare, whose memorable censure on "the law's delays" seems to have had little effect. It is true justice may still be obtained. It is true justice may still be obtained, but it comes high, and really amounts to this—only the rich may buy it. There are, it is true, a few "poor men's law-yers" in England, who do their best to keep down the costs of an action, but they devote most of their energies to advising their clients to "settle," and out the rulnous costs of legal proceedings.

Speaking of the queer practices today employed in English courts of law reminds me of a very curious affair that took place in the Middlesex County Court only a few days ago. A barrister came into court without his wig and gown, and when the learned man arose to address the judge, the latter point-edly remarked: "I seem to recognize the voice, but I cannot see who is speak-

The eminent English judge who uttered these words was staring straight at this distinguished English barrister. object wherever he goes.
Flushing scarlet the big barrister strede out of the court. In a few minutes he returned and started to address

"My lud" again.
"Ah," said the judge, "I am glad to

say that now I not only recognize your voice but I can also see you distinctly." voice but I can also see you distinctly."

The wonderful improvement in the judge's eyesight was due to the fact that in the interval the barrister had donned a misfit wig and a gown much too small for him, which he had succeeded in borrowing from a sympathetic colleague. In his haste to catch a train he had forgotten the bag containing his own wig and gown, and by rising to address the court without them had been guilty of a most shocking breach of English legal decorum. For, technically, an English judge when dispensing justice "cannot see" a barrister unless he wear a horsehair headrister unless he wear a horsehair head-

gear and a black gown.

But there is a substantial reason for investing the legal wig and gown with such tremendous fictitious dignity. It helps sustain that greatest absurdity of the English legal system which compairs a client who is suffernment. pels a client who is unfortunate enough to get tangled up with the higher courts to pay two lawyers and even three to do one lawyer's work, which, from the point of view of the lawyers themselves is such a very good thing that every effort should be made to fool the public into believing it is

English lawyers are divided into two classes-solicitors and barristers-and the latter are further divided into juniors and seniors. Only barristers are allowed to conduct cases in the higher But a litigant is not permitted to go to a barrister direct and lay his evidence before him. He can deal with a barrister only through the medium of a solicitor, and even the solicitor must first arrange with the barrister's chief clerk. To the solicitor the client must turn over his case. The solicitor works it up, interviews witnesses does works it up, interviews witnesses, does all the legal sifting and passes it on to the barrister. In English law that is termed "instructing" him. And the barrister does the examining, the cross-examining and the spouting in court. The solicitor works behind the scenes and the barrister in the limited.

The solicitor works behind the scenes and the barrister in the limelight.

The solicitor first employs what is called a "junior" barrister, that is, one who has not "taken silk" or become a King's Counsel, or "K. C." It is not always a question of dignity or prominence at the bar that keeps a "junior" in that humble position. Many "juniors"—whose fees are only about two-thirds those of "seniors"—prefer to remain "juniors" in order to get a larger number of small cases; rather than become "K. C.s" or "leaders" and be compelled to charge more. At the same time, the unfortunate client often me time, the unfortunate client ofter

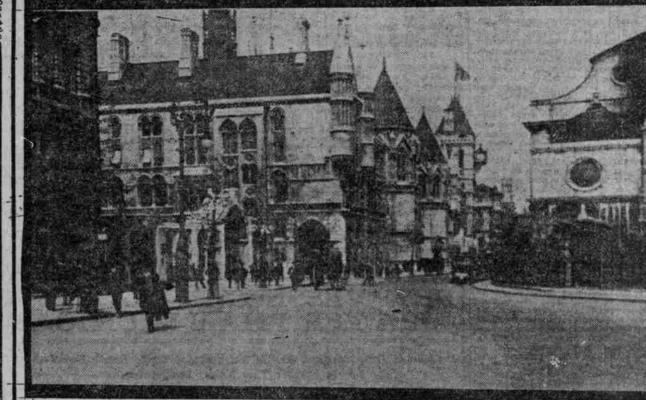
senior." The junior counsel prepares the evidence after receiving his brief from the solicitor and attends to all the preliminaries, such as drawing the writs, summonses, statements of claim and other important documents. The senior, or "K. C.," remains in the background until within a day or so of the trial, when all the papers are handed to him by the junior, and the great man is hastily "coached" by the junior as to the merits of the case.

In England it frequently happens that a client does not see his counsel at all; but only deals through the solicitor. Some barristers are very averse to seeing such minute atoms as incre clients. This "faraway-Moses" attitude is supposed greatly to add to the preliminaries, such as drawing the

mere clients. This "faraway-Moses" at-titude is supposed greatly to add to the fictional dignity of the law. Now and then a barrister, at least a junior, will interview the client; but he treats the latter as a species of reptilian interloper and "lays down the law" in a highly important and often egregi-ously bombastic manner. The client's main function is simply to pay the costs.

As barristers have no right to sue in law for their fees, they take mighty good care to see that they get the cash before they go into court. Frequently s case goes right up to the day of trial and the harassed client has not been able to "dig up" the money. The barrister thereupon grandiloquently "retires" and the poor client has to "conduct" his own case. Every one in England is entitled to do this; but it is only a theoretical privilege, as the Judge looks upon the client, under such circumstances, as a deluded creature, who presumes to know more about the law than his lawyer. There is an axiom at law that "a man who pleads his own case has a fool for his client," and the Judge shows him scant courtesy. Several Judges, however—particularly the Chief Justice, Lord Alversione—show the greatest kindness and consideration to poor clients who have to bring in their own cases; and, not infrequently, he permits them—owing to their very ignorance of the law—to make points and introduce evidence rister thereupon grandiloquently "re-





EXTERIOR OF ENGLISH ROYAL everice. FR

CHANCELLOR OF ENGLAND ON HIS WAY TO HOUSE OF LORDS ON OPENING OF PARLIAMENT

precluded from doing. Even among King's Counsels there are several distinctions. Certain men, for instance, may have been long connected with particular courts, and thus become special favorites of the Judge of that court. They are known as "leaders" in that particular court. There are generally two "leaders" to each court, and, naturally, to obtain a leader, the fees are rather high.

Again there are other K. C.s who de-

vote themselves exclusively to particu-lar lines of work, such as patent cases, admiralty, corporations, and the like. These men are known as "specials," and their fees are slways steep.

Counsel are regarded-by another queer fiction-as simply philanthropic gentlemen devoting their lives to their work for the mere fondness of legal art, as such. They are simply advisers to the Judge, and he accepts their opin-

responsible barrister would be | ions on many occasions. As mere counciliors to the Judge, and having nothing to do with the vulgar public—otherwise clients—they are supposed to be quite above feeling particular interest personally in any case. They give the Judge their "honest" opinion from an altogether altruistic standpoint. It is this curious way of regarding their high calling that prevents them from claiming their fees in case they do not get them beforehand from their client, which, it is scarcely necessary to remark, is an unknown contingency.

To distinguish barristers from the technically lower grade members of the profession, the former wear wigs and gowns in court. If they were to get into the habit of discarding them when engaged in earning fat fees.

would then inevitably discover that cillors to the Judge, and having noth- there was none whatever, and, as a re-

tion, or lack of reputation, of the bar-rister. In the case of an eminent coun-sel like Rufus issacs the retaining fee often amounts to a small fortune, while the barrister who has his reputation to make will often gladly accept \$50. And when the case comes into court at the beginning of each day's work the barrister receives what is termed a "refresh-er" which varies in amount in the same

Another legal propriety forbids the paying of money to a barrister direct. His dignity is such that he must not soil his fingers with the filthy lucre of his clients. Therefore his retaining fee and his daily "refresher" must be handed to his clerk.

In olden times barristers were not rewhen engaged in earning fat fees, clients would no longer be able to discriminate between them and the solicitors, and would naturally fall to questioning what genuine necessity existed for making such distinction. They for that, it all depends on the reputation of the piece-work system, so to quired to keep clerks. But even then their dignity could not be compromised to keep clerks. But even then their dignity could not be compromised by fingering their fees. These were dropped by the solicitor into the hood-shaped bag at the back of the barrister's gown. Though the bag no longer serves quired to keep clerks. But even then

essential part of the barrister's gown. Nowhere are precedent and conservatism more strongly entrenched than in the

A barrister must not hunt up clients But his clerk can do that for him without any loss of dignity. And a clerk with a large acquaintance among solicitors' managing clerks is a valuable asset to any barrister. There are hundreds of lcitors' managing clerks in London who old think times were hard with them feed if they had to purchase their own incheons two days in succession. For behooves the barrister's clerk on the

lookout for business for his master to be given to hospitality.

It isn't every barrister, however, who can afford a clerk all to himself. But since clerks they must have, three or four barristers will often club together four barristers will often club together and hire a clerk between them. It is, strange to say, a rather poor barrister who has to pay his own chief clerk a salary. Chief clerks of the big wigs—or leading barristers—get a percentage of the fees which are paid to their chiefs. Thus, in an English bill of legal costs you will come across such curious you will come across such curious charges as so many "guineas." \$5.25 being a guinea. For instance, the fee for issuing a summons may be \$5.95, the barrister getting the \$5, while his chief clerk appropriates the \$5 cents. Chief clerks act on the same principle as waiters in the big restaurants who go without wages but look for their reward from out wages but look for their reward from

There are, as already mentioned, two grades of barristers-barristers plain and simple, and Kings counsel. The barristers who are only barristers, and nothing more, wear a gown of plain alpaca, called "stuff." And they wear only "bob" wigs-that is wigs that come only a short distance down the back of the neck and leave the ears fully exposed, The barristers who can write K. C. after their names are entitled to wear silk gowns and to lengthen, by a few inches, the wigs they wear in ordinary court practice. When they plead before the by wearing "full-bottomed" wigs-wigs that fall down over their shoulders and cover up their ears. The bob wig of the plain barrister costs \$20. The full bot-tomed wigs cost from \$100 to \$125. They are made of white horsehalr, laboriously

curied and woven on slik threads.

The size of the wig is supposed to afford a measure of the dignity to which the wearer has attained. This is strikingly illustrated in the case of the Speaker of the House of Commons.

When he is marrier the Speaker elect. Speaker of the House of Commons. When he is merely the Speaker-elect-that is, a Speaker whose election has not yet been confirmed by the Kinghe is entitled to wear only a "bob wig." In the bob wig he proceeds to the bar of the House of Lords to get his election confirmed, the King being represented for that purpose by the law lords, who wear cocked hats and full dress wigs with 20 or more rows of stiff and formal curls. and formal curls.

After his election has been confirmed the Speaker returns to the House of Commons, disappears for a few minutes behind the Speaker's chair, whence he emerges in a full-bottomed wig and a long gown with a flunkey (who gets \$500 a year), following him to see that the gown does not get tangled up in his legs when he stalks through the House. The big wig and the gown are the out-ward and visible signs that he has assed through the chrysalis stage and

there without it nobody knows, for no Lord Chancellor has ever had the tem-erity to make the experiment. But it is certain that the dignity of the British Constitution would receive a tremen-dous shock.

attained to the full-fledged dignity of

The billet is a very easy one com-

pared with that of the Speaker of the House of Representatives in the United States. The House of Commons Speaker

has nothing to do with steering legis-lation. His functions are entirely non-partisan. He has only to see to it that the oratorical bouts are conducted ac-cording to the rules of the game. He gets \$26,000 a year and a handsome suite of apartments, rent free. And when he gets thred of his job, he has only to intimate that fact to the powers that be to be made a peer with a pen-

only to intimate that fact to the powers that be to be made a peer with a pension of \$12,500 a year for life.

The Lord Chancellor, who presides over the House of Lords, and, by virtue of that fact, is at the head of the English 'judiciary, has a still easier job. He is never subjected to the ignominy of the bob wig, but wears a wighthat is the limit in size from the start. And his salary is double that of the Speaker—\$50,000 a year, doubtless necessary to support the wig. As the presiding officer of the Upper House, his duties are very simple. All he has to do is to sit tight on the "Woolsack," as his seat is termed, and let the noble lords run themselves, for they acknowl-

lords run themselves, for they acknowledge no rules or order of procedure. Most of the time when Parliament is

Most of the time when Parliament is in session, the Lord Chancellor seldom has to sit more than a couple of hours on a stretch on the woolsack, for the peers believe in taking life easy, and soon tire of their own go-as-you-please oratory. But while he is there he must wear his big wig. Just what would

the Speakership.

London, June 4. Future of Iron Mining.

Henry M. Howe, in the Atlantic.
We think and speak today as if deposits of ore could in the nature of things be worked only to a very moderate depth, a few thousand feet. But this is an error. What is true is that the cost of working increases rapidly with the depth at which the work is carried on, so that at any given time the profitable depth of working is limited by the competition of ore from shallower mines. But, like the richness which makes an ore profitable, the profitable working depth is purely a question of demand and supply. The whole crust of the earth is ours. will first take the richest ores, those in the largest masses, and those nearest there is hardly a limit. Thus it is not a real iron famine that awaits us, but only the need of mining at greater depths and of handling more tons of ore and barren rock for each ton of metallic iron ready for man's use. This handling will in general have to include crushing the ore, and separating by mechanical process its scattered particles of minerals rich in iron from the great mass of barren minerals with which they are usually mixed. which they are usually mixed.

Leave of Absence.

Kansas City Star. C. H. Rudolph, Commissioner of the District of Columbia, paused in the con-sideration of current business to gaze sideration of current business to gaze thoughtfully at a card on his desk. "Now that Spring is with us," said the Commissioner, "I am of the opinion that it would not be a bad idea to have copies of this card placed in every department of the District Government. I have not gone so far, however, as to recommend that it be included in the official orders." The card bears the following inscription: "Notice—All requests for leaves of absence, owing to funerals, weddings, lame backs, house-moving, sore throat, headache, indigestion, etc., must be handed in not later than 10 A. M. on the day of the game."

When the Grass Shall Cover Me.

When the Grass Shall Cover Me.

Ina Coolbrith.

When the grass shall cover me.

Head to foot where I am lying;

When not any wind that blows.

Summer blooms nor Winter snows,
Shall awake me to your sighing;

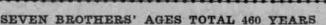
Close above me as you pass,

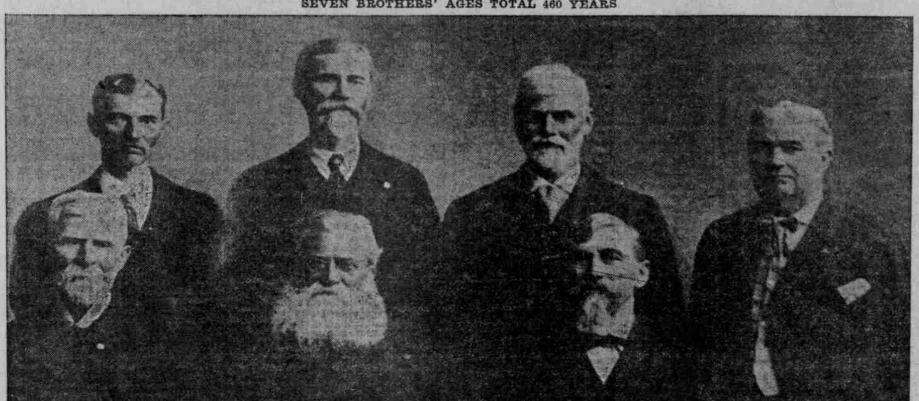
You will say "How true she was,"

When the grass grows over me.

When the grass shall cover me,

When the grass anali cover me,
Holden close to earth's warm boson
While I laugh, or weep, or sing.
Nevermore, for anything.
You will find in blade and blossom
Sweet small voices, odorous.
Tender pleaders in my cause,
That shall speak me as I was—
When the grass grows over me.





COOPER FAMILY, PROMINENT IN OREGON, TO HOLD SIXTH ANNUAL REUNION IN M'MINNVILLE THIS MONTH. Reading from right to left: Seated—D. J. Cooper, of The Dalles, aged 74 years; W. H. Cooper, of Stayton, aged 76 years, and J. S. Cooper, of Independence, aged 69 years. Standing—E. W. Cooper, aged 58 years, who for several years was a prominent resident of this city, but moved recently to Grass Valley, Sherman County; J. C. Cooper, of McMinnville, aged 65 years; J. E. Cooper, of Portland, twin of E. W., and is 58 years, and R. D. Cooper, of Grass Valley, aged 60.