

## MARGINAL NOTES

WHAT OF THE LEAGUE?—*La patience est l'art d'espérer*—a wise saying which the League of Nations has by no means disregarded during the sixteen years of its existence, but there comes a time when patience ceases to be a virtue and when hope deferred maketh the heart sick. That time has apparently arrived for the League. It has frankly failed to pacify the world by its policy. As I write there lies before me a public statement by Prime Minister Stanley Baldwin that his Government would endeavour to reform or refashion the League so that it might attract to its membership all "those nations outside"—not omitting to mention specifically the United States.

"Probably at the autumn meeting of the League," said Mr. Baldwin, "the members will have to consider among many things what, if any, changes are necessary in the Covenant. If any changes may be found helpful in inducing those nations outside the League to come into it, if any such changes can be seen as feasible then, indeed, I hope they will be considered with all the sincerity and with every desire to make the League at last what it was hoped it would be at the beginning—a universal league."

Special mention was made by him of Articles XI and XVI of the Covenant as subjects for reform—the former so that "a threat of war could be acted upon more promptly in the future than in the case of the Italo-Ethiopian dispute last year;" and the latter because it fails to provide satisfactory discipline for an aggressor nation.

Simultaneously with Mr. Baldwin's admission that the League needed the active co-operation of the United States in order to function with power, Lord Dickinson in the House of Lords was appealing to that country to undo the work of the Senate in 1919 and join up at Geneva. He declared that if the price of American co-operation were the removal of Article XVI from the Covenant he would gladly pay it.

\* \* To turn back to the thoughtful criticism of the League that surrounded its birth, one is not surprised to see how events have justified it. For instance, Frederic Harrison in 1918 said: "A general and peaceful League of Nations will never be formed until the conversion of mankind to a purer moral and religious form of life." In 1920 he wrote:

"The withdrawal of the American Republic from the cause of the Allies—even if it be not final but temporary—has reduced Europe to a series of dilemmas. The Treaty of Peace hangs on the Covenant; the Covenant hangs on an effective League of Nations. . . . For the

moment it is in vain to hope that the American people will soon relent and bring help, in vain to call upon the League of Nations. As well call upon Baal. Until the League is a solid, united, and recognized power, with international authority, and controlling at least armies of a million or more, perfectly equipped, they can do nothing except perorate and pass more orders."

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MISS MACAULAY SPEAKS HER MIND.—Whether Benito Mussolini has destroyed the League of Nations at the same time that he destroyed the only independent native kingdom on the African continent remains to be seen. But he has an achievement to his credit which the Anglican Primate of Australia has very pungently called "devil's work." Viewed in all its aspects and considering the period in human history when the crime was committed, it finds no parallel in any previous age. That the commission of this outrage against civilisation was made possible by the failure of the League of Nations to prevent it has stirred Rose Macaulay to speak her mind without reserve at the expense of the League and Europe in general, in *The Spectator* (London) for May the 8th. Referring to the question whether the Abyssinian Emperor will pay an early visit to Europe, she pertinently asks: "Why should he wish to visit the continent of his brutal and barbarous conqueror?" And then—impertinently as some perchance would think—proceeds to say :

"All the same, were I he, I should, I think, wish to pay one visit to Geneva, to give the Council of the League of Nations, once and for all, my unexpurgated opinion of them. There would seem to be little hope that this would do these tough-hided representatives of nations any good; but it might give their betrayed and duped victim a certain bitter satisfaction to give them, for once, a candid view of them, salted and peppered with all the stinging contempt which he and his interpreter could between them muster."

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CONCERNING THE COIF.—In one of the American magazines the other day I met with the interesting suggestion that it might be to the present advantage of lawyers in the United States to have their profession divided into two branches—solicitors and barristers—as the system has prevailed in England from the time of the formation of the Bar in the reign of Edward I. This suggestion moved me to a pleasant half-hour of looking backward.

Before the end of the fourteenth century the line of demarcation between the attorneys, or apprentices of the law, and the pleaders, known then as *narratores* or *serjeant-counteurs*, was

sharply drawn. The latter were united in an exclusive body, or gild, from which the judges were chosen. Fortescue, himself a serjeant and a judge, speaks (*De Laud. Leg. Angliæ*, c.8) of "Judges and men of the law, and other professors of the law commonly called Apprentices." At another place (c. 50) he speaks of the rank of serjeant as a "state no less worshipful and solemn than the degree of Doctors." In the nature of things it was necessary for those who espoused the profession of the law to be educated persons, and as the clergy enjoyed pre-eminence in that respect it is not surprising that the clerk in holy orders added to his clerical duties those appertaining to a practitioner in the courts. This was, of course, before the fifth Lateran Council prohibited the clergy from appearing as advocates in the secular courts. When that happened the story goes that the remuneration derived by the clergy from their common law practice proved a strong temptation for them to evade the prohibition, and so to hide their clerical identity they concealed the tonsure by covering the upper part of their heads with a black cap or *coif*. When ultimately the legal profession passed entirely into the hands of the laity, this coif became the symbol of the rank of serjeant-at-law.

This legend concerning the coif rests upon what has been called "a loose conjecture" of the antiquary, Sir Henry Spelman, and is not accepted as founded on fact by modern historians of the law. The truth of the matter seems to be that the serjeants originally wore a coif or head-dress of white lawn or silk, and that later the custom arose of placing a small skull-cap of black silk or velvet over the white coif; then, when the practice of wearing powdered wigs came into vogue in the law courts, in order that the symbol of the rank of serjeant might not be wanting the perruquiers designed a small round patch of black silk edged with white to be worn on the crown of the wig. How this sufficed to distinguish a Serjeant from a Queen's Counsel before the abolition of the order of serjeants in 1877 is exemplified by the following anecdote: Serjeant Allen and Sir Henry Keating, Q.C., were opposed to one another in a case before the Assize Court at Stafford. When the court rose two men who had been interested in the sharp conflict of advocacy that the case provoked were overheard as follows: "If you was in trouble, Bill, which o' them two tip-top 'uns would you choose to defend you?" "Well, Jim," said Bill, "I'd pitch upon this 'un" —pointing to the Q.C. "Then you'd be a fool," rejoined Jim, "the fellow with the *sore-head* is worth six of t'other one."