
The History of Lawyers, Ancient and Modern

Forsyth William

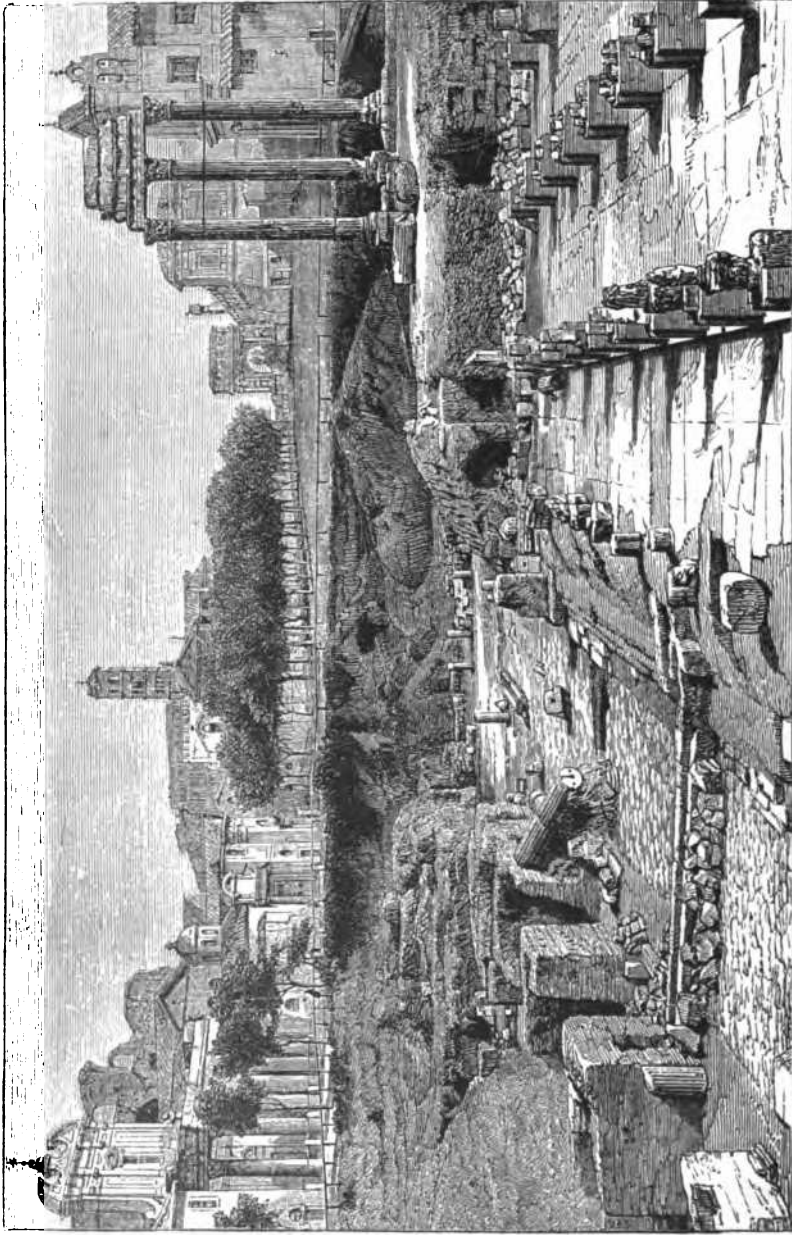
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FORUM ROMANUM—VIEW IN BASILICA JULIA.

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HISTORY OF LAWYERS

ANCIENT AND MODERN

BY
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ETC., ETC

WITH ILLUSTRATIONS

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PREFACE.

THE object of the following pages is to present in a popular form an historical sketch of the office and functions of an Advocate. It occurred to me that the subject afforded materials for work which would not be devoid of interest, and perhaps instruction, if, without going into minute and tedious detail, some of the more salient points were selected in the history of that profession. I therefore devoted the task to the unemployed hours of the legal vacation, confining my attention principally to the countries of Greece and Rome, France and England, where oratory, with which advocacy is so closely allied that in the Latin language they are almost synonymous terms, has been cultivated with the greatest reputation and success.

In the course of the work, translations, both in prose and verse, of passages from the classic authors frequently occur. These are in every case of my own, and the critical scholar may object that some of the terms have not been rendered with

strict and technical accuracy. But this has been done advisedly. I have endeavored to express the meaning of the ancient writers, and to reflect the spirit rather than the mere letter of their works. In order to effect this, it is, I think, necessary to employ such terms as will, though not precisely equivalent, most readily convey the sense of the original. For instance, it would be easy to point out the difference between an Athenian and an English juryman; but in many respects their functions were analogous, and a modern reader will have a more lively idea of the scene presented in a Court of Justice at Athens, if we render *ὡ ἄνδρες δικασταί*, "Gentleman of the Jury!" than if, with pedantic propriety, we style them "O Dicasts!" We are too apt to cloth the ancients in buckram, and view them, as it were, through a magnifying glass, so that they loom before us in the dim distance in almost colossal proportions. But we forget that they were men very much like ourselves, and accustomed to talk and act like ordinary mortals. Pascal says, with as much truth as wit,—*"On ne s' imagine d'ordinaire Platon et Aristote qu'avec de grandes robes, et comme des personnages toujours graves et sérieux. C'étaient d'honnêtes gens, qui riaient comme les autres avec leurs amis; et quand ils ont fait leurs lois et leurs*

traités de politique, c'a été en se jouant et pour se divertir." I know few things which serve more forcibly to link the past with the present, and prove the sameness of the great human family, than the sight of the dolls and toys in the British Museum which were the playthings of Egyptian children some three or four thousand years ago. Of course there are limits to the kind of license that may be used, and I fear we cannot applaud the taste of the Dutch commentator who always translated the word *consul* by "burgomaster." Sometimes, however, an opposite evil may arise, and false notions of institutions and manners may result, from too literal an adherence to the words of the original, where technical terms have been adopted into our language, but their meaning and force have been modified, or altogether changed to suit the exigencies of modern times. Bishop Thirlwall, in his "History of Greece," when speaking of the democratic form of government as treated of by Aristotle, says, "We shall not confine ourselves to the technical language of his system, but will endeavor to define the notion of democracy, as the word was commonly understood by the Greeks, so as to separate the essence of the theory from the various accidents which have sometimes been confounded with it by writers, who have treated Greek history