

THE TWO BRANCHES OF THE PROFESSION—AMALGAMATION.

as would be done in England in any action other than one brought by an attorney.

Such are the main features of the American system. If introduced here the general public would, in our opinion, be benefited. Clients would be brought into immediate contact with their legal advisers, with the result that advice would be given more speedily, with more accurate perception of the facts, and with more opportunity for guidance in the further carriage of the matter; that each firm would contain within itself complete powers of conducting every description of business; that much unnecessary labour and expense would be saved to the profession; and that remuneration would be based on a plan more satisfactory to the client and to the lawyer. Then what would the profession lose? Certainly the Bar would not by this change lose its honour? That is to be preserved not by artificial rules and irrational restrictions, but by the good sense and honesty of the individual members. No doubt the attorneys and solicitors will lose what may be called the patronage of the Bar, but it is not clear either that the patronage is rightly lodged, or that it is not a nuisance rather than a prize to those who are driven to exercise it. Lord Melbourne detested episcopal patronage, and took to his bed when a see was vacant. Are there no London solicitors who experience similar sensations with regard to the choice of counsel? But we say boldly that the general public ought to enjoy that patronage, and that a man ought to choose his own advocate, although under the present system a solicitor is amply justified in refusing responsibility, unless he is left a free agent in all such matters. Then the suggestion of Mr. Justice Hannen must not be overlooked that a young man cannot discover what is the precise bent of his talent, until it is too late to adapt his course to that inclination, neither indeed, it may be added, can he anticipate in which branch of the profession he may be most aided by connection or capital or the like, all of which in a highly civilised country must tell in the struggle of life.

These, then, are among the considerations that seem to support the proposition of Mr. Justice Hannen. Even the opponents of the change admit that the force of events is becoming too strong for them. The mere fact that there is a vast system of Courts in which attorneys appear as advocates, but in which barristers are precluded from acting as attorneys, is enough, on the simple principle of fair and equal dealing, to condemn so one-sided an arrangement. It is well recognised that law and equity are daily approaching each other, that codification will consummate their union, and that the amalgamation of the two branches would then be but the work of time. But in our view there is no need for delay. On the contrary, we believe the proposed change to be not merely salutary, but one to be speedily completed in the true interests of the profession and the public.—*Law Journal*.

AMALGAMATION.

Amalgamation is a word as familiar to lawyers as to chemists or metallurgists; the amalgamations of insurance and other joint-stock companies have been a very fertile source of employment to all ranks of the profession. It is not, however, of these amalgamations that we are now thinking, but of that which is to take place between the bar and the attorneys and solicitors. It is now some years since this proposition was first broached, and though it has not yet found much favour either with lawyers or those who employ them, it is every now and then revived to become the theme of more or less discussion. In the present instance, the revival has been occasioned by a strong opinion in favour of the change delivered by Mr. Justice Hannen, at the anniversary dinner of the Solicitors' Benevolent Association. Mr. Hinde Palmer, Q.C., in responding to the toast of "the Bar," took occasion to express a hope that the day was far distant when any change would be made, which should place the bar in direct communication with suitors, believing as he did that such a change would diminish the honour and utility of both branches of the profession. After this it was hardly possible for the learned chairman, holding an opinion far beyond the contrary to Mr. Hinde Palmer's views, not to give utterance to his own ideas upon the topic. Any opinion delivered by a judge held in such deserved esteem as Mr. Justice Hannen is entitled to the highest respect; and it is very true indeed, as he observed, that all good opinions were in the minority once. As to this one opinion, however, we are unable to agree with Sir James Hannen, believing that on this subject his opinion is not only in the minority, but is so deservedly.

The present condition of the legal profession has been arrived at by a very gradual growth. If we could go back to the earliest days we should find the prototypes of our modern barristers holding direct communications with, and receiving direct payments from, the litigants who consulted them. The attorneys and solicitors were hardly then, as they are now, a distinct branch of the law. But as the study and practice of the law grew apace, certain individuals acquired the habit of "attorning," and of course a man who had discharged that function several times was a better assistant than one less experienced in the forms of the law. Thus Attorneyship came to be a distinct vocation, a sufficient employment to occupy the whole of one man's time and energy. The attorneys gradually rose to the dignity of a profession, and as their importance increased, provision was made for admitting none but properly qualified persons. Indeed, as far back as 15 Ed. II attention seems to have been turned to this, for the statute, cap. 1 of that year restricts the power of admitting them to the Lord Chancellor and Chief Justice, prohibiting the clerks and servants of the barons