

There is no more fatal delusion for a promising young lawyer than to lay out, as one of the purposes of his life, to win verdicts by eloquent appeals to juries.

"As to judges, they listen to such efforts as I have described, when unaccompanied by ample previous preparation, by labour, by full consideration of all that can possibly affect the argument, as the observer of a storm at night looks at the vivid flash of lightning across the sky, whose brilliant coruscations charm and delight the eye, but leave only a darker gloom when they pass away. Nothing more inconsiderate can well be suggested to a court than that which is very common, namely, prefacing an effort at argument with the observation that counsel has just come into the case, or for some other reason has not examined it, but he will make a few unpremeditated remarks. If counsel has not considered a case, and considered it well, he should have too much respect for the court to impose his crudities upon it.

"And now, gentlemen, if I have dealt plainly with you it is because the love I have borne the bar of this State makes it worth while that I should do so. The practice of the profession in the great cities, east or west, is unfavourable to the discipline and training I have endeavoured to inculcate as indispensable to the perfect lawyer. It is for this and other reasons unfavourable to the production of the highest and best professional character. Large proportion of chamber work makes wise counsellors, who prevent, rather than conduct, litigation. There are many law firms in New York who make thousands of dollars a year, no member of which ever tries a case in a court. There are others composed of several members, of whom only one attends to trials. The business in the court itself is hastily and, therefore, slovenly dispatched. The pressure is such that, except in some great case attracting public attention, like the Beecher trial, no sufficient time is given to develop the case or the skill of the lawyers engaged in it. And the Beecher case! Such a trial! A reproach to the court, the profession and the public who read its proceedings every morning with such keen delight. As a legal proceeding it was a mockery. As a theatrical performance, with the whole reading American public for an audience, the judge, the counsel, the parties were actors who kept

themselves before the public for two or three months, more by the vulgar spiciness of the play than the merit of the performance. Great lawyers are not made in that manner, nor by cases before referees, nor by foreclosure of railroad mortgages.

"But here in agricultural Iowa, where every case presents an honest contest of law or fact, where there are no great cities to foster shysters, nor great wealth to tempt or mislead the lawyer, where in his village office, with ample time and a well-selected, if small, library, the attorney, who is at the same time counsellor and barrister, traces in each case the principles involved in their original sources, imbibes their spirit, discovers their philosophy and assures himself of their application to his case. It is here that we must look for the continuation of the race of great lawyers. It is here that the learning is sound, the principles pure, the practice established. It is from some western prairie town rather than some metropolis that future Marshalls and Mansfields shall arise and give new impulse and add new honour to the profession of the law."

NOTES OF CASES.

COURT OF REVIEW.

MONTREAL, June 30, 1879.

JOHNSON, MACKAY, TORRANCE, JJ.

[From S. C. Montreal.

LA COMPAGNIE D'ASSURANCE DE STADACONA
v. RICE.

Action for calls on Stock—Notice of calls—Insolvent Shareholder not divested of Shares—Liability not inventoried.

JOHNSON, J. Action against a shareholder for calls. Plea, discharge under the Insolvent Act. Answer, that the debt was not included in the list of liabilities by the insolvent, and therefore there is no discharge.

This case was heard twice, and at the first hearing nothing was submitted but the question whether under the Act the defendant was divested of this stock, so as to make the assignee liable for the calls. That is also the only question submitted in *factum*, but at the last hearing a point was raised as to the sufficiency of the notice for these calls. The