

GENERAL CORRESPONDENCE.

laborer is. Why? because in all such cases the person doing the work is supposed, is legally bound, to bring to his work, *professional, skilled knowledge*, under legal responsibilities.

So any man employing a lawyer *as such* in a Division Court, is bound to pay him for his work as such. A case just decided by ex-Chief Justice Draper in Chambers goes the extent of saying the bill of costs of attorneys for any business done by them as such may be taxed,—see *In re O'Donohoe and Warmoll*, 4 Prac. Rep. 266. I recollect a case distinctly that was argued some ten years ago before the late Chief Justice Robinson sitting in full court, in which counsel propounded the doctrine, that a lawyer could not charge for business *attendances, affidavits, &c.*, made or written in the Division Courts, and that learned man at once said, "I cannot assent to that doctrine. I think that any one employing a lawyer to do business in such courts impliedly undertakes to pay him his reasonable charges." This point was not directly in issue, and only came up incidentally, but I noted it at the time. Now suppose a man comes to a lawyer and says, "Mr. A., I have been sued in the Division Court, and had a snap judgment given against me. I wish you to examine it, set it aside, got me a new trial, and advise me on it." The lawyer does as requested, makes a dozen attendances and examinations, draws notices and affidavits, argues matters before a judge, &c., and then makes out his bill and sues it, but is told by a judge, "Sir I cannot give you your bill," and turns the attorney out of court, in one case with \$1, and in the other with one-third of his bill. That was my case. But it puzzled me to see how, or on what principle, I got in one case \$1 (it cost me about \$8 to get it), and in the other \$6 (just my travelling expenses and a little over), to a country town. The judge had (upon his way of reasoning) no right to give even this small pittance—it would have been a mercy to say I will give nothing, and make each party pay his own costs!

I think it is high time a little more thought should be exercised in the selection of County Judges. Now I happen to know that many of our older County Court Judges do not act as the judge here alluded to. They take a more rational view of law and equity. I assert with

confidence that the law will not turn a lawyer out of court, where he has done work *as such* in any Court in Canada upon the retainer of a client.

Why should not a reasonable fee be allowed a lawyer for drawing affidavits, writing letters, notices, &c., as well as for drawing deeds? Why should not a lawyer have a fee of 25 cts. or 50 cts. for making attendances for hours together to see books and argue cases before a judge? Why should he not be paid for his time as a professional man? Do doctors not construct a tariff? Does not the architect charge his \$4 or \$10 a day?

Is the lawyer not liable for his ignorance and neglect? If so, why is he not entitled to collect for any professional work? I am sure I have only to state the case to show the legality and reasonableness of my view.

AN ATTORNEY.

Toronto, 8th Dec., 1868.

ANECDOTE OF THE LATE LORD CHANCELLOR.—There is in the House of Commons a certain noble lord whose name it will be better not to mention, but who has somewhat recently appeared in the, to him, new character of a law maker. This noble lord met at a dinner party, a few weeks ago, a certain great "city man," whose transactions in stock amount yearly to a fabulous sum. The young legislator began to talk in the City man's hearing of Cabinet secrets, and to do so with a very great assumption of knowledge on the subject. "Talk of Cabinet secrets," at last cried Mr. Consol, "there is one secret—the secret of a Cabinet Minister, too—that I should uncommonly like to know. It would be worth 5000*l.* to me if I knew what judgment Lord Chelmsford will give to-morrow in the case of Bloxham and the Metropolitan Railway." "Five thousand pounds!" cried his aristocratic neighbour, who is as poor as any lord need wish to be, "do you mean to say you would give 5000*l.* to any one who could tell you what old Chelmsford's judgment will be?" "Yes; indeed I should," said the other. "Then, by Jove, I'll find out and tell you." "Do so," said the City man, with a laugh, as he went on with his soup. That very night, when the tired merchant in his Bayswater palace was wooing gentle sleep, quite forgetful of his conversation with this young sprig of the nobility, he was roused by a summons at his bedroom door. His servant on being admitted told him that Lord—'s valet was below with a message for him. "Show him up," said Mr. Consol, in wonder as to what it all meant. Enter the valet, who speaks as follows:—"Beg your pardon for disturbing you, sir, but my lord sent me with a note to Lord Chelmsford's, and said I was to bring the answer to you. I took the note, sir, and Lord Chelmsford told me to say there was no answer!" The story is a strange one, but it is true nevertheless.—*Leeds Mercury*.