

BENCH AND BAR—LAW SOCIETY, TRINITY TERM.

convicted Orton, was more likely to be afterwards prejudiced in his favour than against him. There is in most natures much of the feeling of the schoolmaster who thrashed his son in the presence of the other pupils every morning to show his impartiality. It is not so much the actual influence that has to be dealt with as the appearance of influence. This appearance is not of sufficient importance to be taken into account in ordinary cases; but still, if a son attach himself constantly to the court of his father as a Queen's counsel, in equity attaches himself to a Vice-Chancellor, it must be admitted that an impropriety is committed.

The etiquette of the Bar on this and kindred subjects was originally clear enough; but of late years a loose practice has prevailed. Formerly, it was a strict rule that no son should join the circuit of which his father was a leader. This rule was infringed noticeably, some years ago, on the Norfolk Circuit; and it can no longer be said to be a strict rule. The subject now in question stands on much higher ground, as it deals, not merely with professional interests, but with possible influences in the court. The principle applicable to such cases is plain—namely, that no member of the Bar ought to put himself in such a situation that there is even the appearance of his obtaining business because he is supposed to exercise an undue influence over the court."

The Albany Law Journal says:—

"The difficulty in the case is four-fold: first, that the judge will always be presumed by the populace to lean in favour of his son; second, that the son will get business from the force of this presumption; third, that the judge will unconsciously be biassed in his favour; or fourth, that the judge will do his son's client injustice from the fear of such bias. However pure, the judge and his son will always stand in danger. We think it would be better for everybody that a judge should decline to hear a cause in which his son is counsel or attorney."

There seems a great unanimity on this subject in the legal press. The remarks above quoted seem to us to lay down the true principle. In this Province, the evil cannot exist to any extent in connection with practice in the Superior Courts. An occasional unpleasantness has, however, arisen in one or more of the county towns in Ontario, and a correspondent has recently called our attention to a case in point, to which it may hereafter be neces-

sary to refer; but so far, there has been nothing of sufficient importance to draw general attention to the subject.

LAW SOCIETY.

TRINITY TERM, 44TH VICTORIAE.

The following is the *resumé* of the proceedings of the Benchers during this term, published by authority:

Monday, 23rd August, 1880.

Present:—The Treasurer, and Messrs. Crickmore, McMichael, Bethune, Pardee, Kerr, Irving, and Mackelcan.

The minutes of last meeting were read and approved.

The Report of the Examiners on the examination for Call was received and read.

The Report of the Secretary as to the Papers of the Candidates was read.

Ordered that Messrs. W. H. P. Clement, J. E. Lees, W. H. Biggar, R. W. Wilson, J. R. Brown, J. S. Hough, M. A. McHugh, J. J. Blake, W. G. Eakins, W. B. Ellison, S. C. Elliott, C. E. Hewson, and E. Morgan be called to the Bar.

The Report of the Examiners on the Examination of the Candidates for Certificates of Fitness was received and read.

The Report of the Secretary on the Papers of the Candidates was read.

Ordered that Messrs. W. H. Biggar, J. E. Lees, W. H. P. Clement, W. B. Ellison, S. C. Elliott, R. Miller, J. R. Brown, J. H. Scott, J. N. Muir, P. McPhillips, N. Gilbert, C. E. Freeman, J. B. O'Flynn, and H. W. Hall do receive their Certificates of Fitness.

Ordered that the cases of Messrs. Wilson, Gibson, Manning, and McNab be referred to the Legal Education Committee for report.

The Reports of the Examiners and Secretary on the First Intermediate Examination were received and read.

Ordered that the examinations of Messrs. Mahoney, Mulligan, Fraser, Canniff, Howard, Chapple, Reid, Johnston, Start, Anderson, Ruttan, Elliott, Foulds, Yarnold, McFadden, O'Meara, Monk, Murchison, Tho-