

CORRESPONDENCE.

CORRESPONDENCE.

ADMISSION TO THE BAR OF NEW YORK STATE.

To the Editor of the LAW JOURNAL:—

THERE seems to be a tendency of late among many young men in Canada to settle in the State of New York, with a view of practising the legal profession, some reading such books, in their course of study in Canada, as they deem will be of most advantage to them when reaching their destination, to the neglect of matters material to a successful practice at home; others not directing their energies to forming favourable connections in Canada, or abandoning such connections when already formed, and, in very many cases, in ignorance of the terms and conditions of admission to the Bar of that State, and the chances of success even after admission.

It is a prevailing opinion in Canada that the examinations, when any are necessary to be passed in order to be admitted to practice in any of the United States, are not as severe as those to which students are obliged to submit themselves in the Canadian Provinces, and in this respect the impression is fairly founded, not so much, however, in respect to the State of New York, as to the other States.

But members of the Canadian Bar and students for admission thereto have another and much more serious difficulty to overcome than the legal examination in order to secure the right to practice in New York State, and that is their citizenship, it being a condition precedent to admission to the Bar of that state, that the applicant shall be a citizen of the United States, the conditions of which require, among other things, a declaration of intention to become a citizen thereof, and renunciation of allegiance to the country from which the applicant comes, and five years continued residence within the United States.

The question whether citizenship was or was not a prerequisite to admission under the laws of New York State was fully considered and passed upon in a late case in the Court of Appeals (the Court of last resort in that State) reported in vol. 90, page 584, of the New York Court of Appeals Reports, where the learned judges were unanimous in the opinion that citizenship was a prerequisite to admission to the Bar of that State.

The facts of the case appeared to be that a British subject had practiced as an attorney at law in England from 1875 to 1881. That upon

proof of that fact and upon satisfactory evidence of his character and qualifications and upon proof of age and of his having declared his intention to become a citizen of the United States, the Supreme Court of the State of New York in the second judicial department thereof, on May 8th, 1881, made an order admitting him to practice as an attorney and counsellor at law in the Courts of that State. He so practiced from that date until the matter was brought before the General Term of said Court, in said department, upon notice to all parties concerned, when the General Term made an order vacating its former order, admitting him to practice on the ground that the said Court had no power or jurisdiction to grant the former order, and his name was thereupon stricken from the roll, whereupon he appealed to the Court of Appeals, which Court affirmed the order of the Court below, revoking his license.

But granting that all the difficulties of admission have been overcome, the prospects are by no means the most brilliant, the competition being much more severe than in Canada. Take New York City, for instance, with nearly 6,000 lawyers, almost all of whom are natives of the State, familiar with the ways of the people, and have the advantages of extended business and social connection and acquaintanceship conducive in a great degree to the acquisition of clients.

Many Canadians are prone to think that to locate in New York means assured success. Let not the young men of Canada deceive themselves, they will find at the Bar of that State many hard working energetic capable lawyers, men who devote their time both early and late to the continuous and well directed prosecution of their profession, so many in fact, and so well directed, their efforts, that the competition there is most intense.

New York State undoubtedly presents some advantages in a pecuniary sense to the practitioner of the law, in as much as his compensation is entirely the subject of contract, expressed or implied between himself and the client, and not at all subject to taxation by the taxing officer, who has simply the taxation of costs, as between party and party. This has the effect of creating absolutely no limit or criterion upon which compensation may be based; but as an attorney or counsellor becomes known for his ability, and conspicuous in his profession, his clients not only increase in number but his scale of compensation also increases. In a case where no contract has been made for services, the extent of the compensation depends upon the nature of the services, amount involved, and the position in the profession