

LIABILITY OF BARRISTERS FOR NEGLIGENCE.

new trial paper to be imminent for a month or two at a time. Only last week it was announced in all the morning papers that the Exchequer Division would sit in Banco on Friday to proceed with the new trial paper. But when the morning came there were no judges to make a Court. Somebody had blundered in calculating the number of judges and in arranging the business. On other days announcements have been made that certain judges would sit for trial of actions with juries, but no judge has been forthcoming. No human being can tell within weeks when actions, motions and orders for new trials will come on in the Queen's Bench, Common Pleas and Exchequer Divisions; and, therefore, no barrister, however honest, careful and diligent he may be, can help being wanted in two or three places at once. Even the most exact followers of the doctrine that work must follow pay would hardly insist that, if a barrister took a ten-guinea brief to argue an order for a new trial, he was to take no other brief till that case was disposed of. The bar, as a whole, is not very highly paid; but ten guineas a month would be a dreary look-out. The fact is, the work of the profession differs from all other kinds of work in this respect, that the workers have no control over the order in which the work has to be done. One day is an idle one; the next presents a dreadful concurrence of work to be done in two or three different places at once. What is there in human experience similar to this? Death may not wait for the doctor; but he satisfies law and common sense by going as soon as he can. The clergyman finds that Sundays and feast-days recur with inevitable regularity. The author can forecast his labour with absolute accuracy. The artist knows the day on which his picture is to go to the Royal Academy. Manufacturers, colliery proprietors and tradesmen are sometimes afflicted with a great press of business; but the law, if it possibly can, rules in their favour that time is not of the essence of the contract. But the unfortunate barrister has to deal with quick judges and slow judges; with actions that settle themselves in ten minutes, and actions that drag on for days; with Courts which sit when they ought not, and Courts which

do not sit when they ought; with Courts which give no notice of what they intend to do, and Courts which give notices and do not fulfil them; with Courts of First Instance and Courts of Appeal; and, worse than all, with clients who have staked their property and their hopes on one issue, to whom the result of one action means ruin or a good haul of money, and who are stung to madness on finding that thirty guineas has failed to secure the sole, undivided and matchless talent of one of the most fashionable counsel of Westminster Hall. Because even barristers fail to meet the emergencies thus presented to them, it is suggested as a reasonable proposition that the disappointed litigant should ask a jury to inquire whether the counsel used every foresight and care when he accepted the brief; whether he was guilty of negligence in undertaking the case, having regard to his other briefs, and the action of the several Courts; and to say, if the barrister is found to be in the wrong, that damages shall be assessed against him. Even if such a right were conceded to the suitor, the barrister would have the consolation of knowing that, *ex hypothesi*, the action was lost by his absence, and that because he was not there the judge and jury made fools of themselves. However, Mr. Norwood's bill is killed for this session, and we venture to predict that some years will elapse before a like measure is again subjected to the ordeal of a second reading in the House of Commons.—*Law Journal*.

IMPRISONMENT FOR DEBT.—The *Law Times* says:—Mr. Josiah Smith, Q.C., Judge of the County Courts of Shropshire and Herefordshire, has delivered an elaborate address upon the subject of imprisonment for debt. The learned judge admits that the system works well, and secures the payment of debts "without grievance." The picture which he draws of the life of a County Court Judge, who has to dispose of a large number of judgment summonses, is, however, harrowing in the extreme. His Honour himself has "groaned" under it for over ten years. He has frequently heard 100 in a single day, and once had before him no less than 450. "It has," he says, "been