

PROFESSIONAL JOTTINGS.

crowd the ranks of the bar. The shortest possible stature is considered no disqualification, whilst woolly-headedness, effeminacy of intellect, defective articulation, and the utter absence of the logical faculty, present no difficulties to the mind of the young aspirant or his guardians. A large number of barristers are, beyond doubt, unsuited in every way to the profession; but, again, many, admirably adapted for it, are without private means; too frequently have no idea of earning money outside their vocation; and, worn out by the cares of existence, sink into the condition which revealed itself to Mr. Justice Byles. There are, however, hard cases, which no foresight could provide against. The increase in the number of barristers, many being the near connections of attorneys, scatters the work (already in process of being scattered by legislation) relating to county courts. To such causes is attributable the bare appearance of many a table in the Temple once well covered with profitable business. Sound lawyers, of acknowledged capacity and experience, are unemployed; and this fact it is, to which we would principally call the attention of undergraduates, and men already in professions which they desire to leave. A livelihood is not to be got out of sessions where there are on the average two counsel to one prisoner; nor out of circuits, save to the favoured few, where there are frequently three times as many (on the Home circuit we should say ten times as many) counsel as there are causes. London business is in the hands of a score of prominent men, but the cause lists are slowly dwindling to insignificant proportions."

The picture here presented is wretched in the extreme; and although it would be exaggeration to say that it is fully true in this country, it is only a question of time and of degree even with us. A few men carry off the prizes by dint of force of intellect and persevering industry. A large number, of less capacity, make a decent living by a careful attention to business. But others, again, eke out a miserable existence (and especially miserable in that they have to keep up a respectable appearance) by stray suits and odds and ends of business, until, fortunately for themselves, they are compelled by want to turn to some other more congenial and profitable employment.

After thus taking a warning from the destitute position of some of our brethren in England, we turn from the unpleasant picture we have been contemplating, to another matter of interest to the profession in Ontario, and that is, as to the propriety of a division of labour.

In England, each branch of the profession undertakes a distinct field, and individuals attach themselves to one or other, as inclination or accident may determine. In the United States, things in this respect are much the same as with us; but the following remarks, taken from the *American Law Times*, show that the subject has received some thought there, and the observations of the writer contain some useful hints for us:

"The tendency of the members of the profession towards the specialties, which is, we think, unmistakable, is a most fortunate condition, and one which we hope may develop into a permanent rule. As law is 'the most learned of all arts'—an art in its grandest, broadest, and the best sense—its practice should be governed, in some degree at least, by the same principles that experience has demonstrated to be almost essential in those arts which are recognised as such. It would seem to be an impropriety in a painter or sculptor to work in two distinct fields, or to attempt to combine two well defined schools in a single creation. The Michael Angelos of the past are few in number; and if their splendid successes afford any ground for regret, it is that their powers were possibly distracted, and not directed toward the accomplishment of one idea.

"The space of a single life is not long enough to enable even the most subtle and active mind to digest the wonderful and complex propositions which meet it at every turn in its wanderings through the labyrinth of learning which make up 'the temple of the law.' The most patient and conscientious labour must fail, unless it be directed toward the exploration of a special part. These truths are pregnant with instruction, and are producing their results. Even at this early day in our history, we find that wherever a specialty can be successfully adopted, there are lawyers of ability who seize upon the opportunity, and make it their own.

"In nearly all of our cities we discover that there are certain eminent firms who confine themselves to a single line of practice, or divide their business, each partner having control of a particular subject. We have endeavoured to obtain data which would illustrate how far the above is true, and learn of no less than twelve or more subjects which have been resorted to as specialties; some of them by young lawyers whose career has little more than commenced, and others by those who have grown grey in the courts. We note particularly the following: Admiralty, Patents, Insurance, Testamentary Law, Real-Estate Law, Commercial Law, Bankruptcy, Criminal Law, Corporation Law,