With many candidates for the office in each county it would seem almost impossible to guard against a retainer that might afterwards, when a party received the appointment, militate against the enactment in the fourth section, and we have received some communications which leave no room for doubt. The question is now what course should be taken by a county attorney who has by himself or his partner in business been concerned and acted for a party bound over for trial at the sessions before such County attorney actually received the appointment.

In the first place, it must be perfectly obvious that if not illegal it would be objectionable to act for the Crown against such party, notwithstanding the county attorney might not have had personally any knowledge of the case. There would be a feeling of suspicion in the mind of the party aggrieved and prosecuting, and perhaps also on the part of the public that the conduct of the prosecution was more or less affected by previous relations and knowledge of the case.

True or false, such a position should on every account be avoided. If the county attorney was in fact personally *engaged and concerned, his after acting in the prosecution* would seem to be a palpable violation of the law.

We think that the provisions of the tenth section afford the means of escape from the dilemma. It provides that in case of the illness or *unavoidable absence* of the county attorney the senior Judge may appoint a barrister to act for him. Now in the case put there arises a valid cause of "unavoidable absence." In every day practice we see Judges absenting themselves from the trial of a cause because of some near relation being a party to the action, or because of their having some interest in the cause. This principle applies in a degree to the matter under consideration, for if it would be manifestly improper or a violation of law, for the County attorney to act for the Crown in any particular case, his absence must be considered *unavoidable.*

What we have said of course applies to the retainer of the individual or his partner in business *before* his appointment as county attorney; for if he be concerned after his appointment it would seem to work a forfeiture of the office; at least it would be a sufficient cause to justify the officer's removal.

To any one unfortunately placed in the dilemma referred to, we would suggest an early communication of the facts, accompanied by a request from the county attorney to the county Judge to appoint a Barrister under the tenth section of the Statute to act in the particular case.

This should be done at once, and certainly before the sittings of the Quarter Sessions, that the Barrister appointed may have time to examine the papers and get all necessary proofs ready for the trial.

As we read the Act the Barrister appointed must have the statutory qualification; for by the second section no person "shall *act in the capacity* of County attorney" who shall not be a Barrister of three years standing at the Bar of Upper Canada, and a resident in the County.

CHANCERY.—THE SILENT WORSHIPPERS.—THE RECENT ORDERS.

By whomsoever uttered, truth is eternal, and truth fears nothing but to be concealed.

When, not many months ago, we drew attention to the evils of the Court of Chancery, we but gave voice to the muttering of discontent from the profession. Our appeal for assistance in exposing the blotches of the system, was not in vain, as a reference to the communications of "A City Solicitor," and others will show.

Those who worship things as they are, have over and over again been challenged in this Journal to support these idols, but silent have they remained up to this hour. Not one has been bold enough to take the field against us, or any of our correspondents. Is it because they lack the *talent necessary to display their cause in the best light?* No! There are amongst them men of ability and learning. Why is it then that they are "silent still, and silent all?" We answer; because although they may have the stronger sword, we have the better cause—we have truth and justice on our side.

Really we begin to feel some compunctions. It seems ungenerous to taunt those with defeat who do not lift a hand in defence, who have not even uttered the cry of the Barons, *Nolumus leges Angliæ mutari.*

If the contest were personal, we should be without excuse in persevering, but as it affects the public interests largely we cannot remain silent, without a compromise of principle, and even if we ceased, the profession have now taken up the question in one of its details, and public attention has been fairly aroused. From small beginnings much has already arisen,—the spark has fairly caught the dozed parts in the fabric of Chancery procedure, and unless they are completely removed, the edifice will be burned to the ground.

Besides drawing complaints in general, from the profession to charges in particular and directing general attention to the Court, it is possible we may have roused the slumbering energies within, for in addition to the printed rules referred to in the last letter of "A City Solicitor," elsewhere will be found a set of rules issued, which *bear date* the sixth of February, evidently intended to prevent the present delay in proceedings, for adding subsequent incumbrancers.

These rules effect something in that way, and we are thankful for them, but they are too limited, and do not touch the case alluded to in "Coadjutor's" letter, where