

LIABILITY OF BARRISTERS FOR NEGLIGENCE.

country, that people ought to be paid for their work, and ought to work for their pay; and with this feeling all honest men must sympathise. Therefore, when the House has been told, and told with truth, that instances have occurred of leading counsel taking heavy fees, with the full knowledge that there was no prospect of their presence in Court to conduct the case, and that instances have also occurred of haggling for an increase of fees after the brief has been accepted, it is not a matter of surprise that business men should seek a remedy for such evils, and should vote for Mr. Norwood's bill as a means of cure. The bad luck in litigation of Mr. Norwood's colleague, which was supposed to be a remarkable example of the risks run by suitors, may also have augmented the number of votes; for, although the case was not mentioned in the debate, it has probably been plentifully discussed in the clubs and the tea-room. Then, again, the speech delivered by the member for Londonderry probably commanded several votes; for when a solicitor of some repute denounces professional misconduct, and declares that a measure before the House will put an end to it, it would be strange if the declaration were not believed by a large number of persons who have no personal knowledge of the question, but justly deem such evidence worthy of consideration.

Now, there is one point upon which no one seems inclined to offer any information, and upon which certainly nothing like precise information was afforded to the House, and it is this: How many barristers are open to the accusation of taking briefs when they know they cannot be present at the hearing of the case? Mr. Norwood says that the whole of the Chancery bar is immaculate, and that a verdict of not guilty must be recorded for that section. Next, as far as we can gather from all that has been said or written on the subject, no indictment is preferred against the junior counsel of the so-called Common Law bar. The question, therefore, narrows itself to the Queen's counsel and the serjeants who practice at Westminster. Then, how many of these are to be pronounced guilty? Shall we say a dozen, half-a-dozen, three, or one? For our part we

should be ready to make a challenge against the possibility of proof in the case even of half-a-dozen barristers. No doubt two or three counsel can, if they are recklessly indifferent to the honour of the profession, do enormous mischief. But, although a dozen righteous men may save a city, three wicked men ought not to involve the condemnation of a profession which boasts nearly two thousand persons in actual practice. Assuming that there are some few persons who come rightly under Mr. Norwood's lash—and he himself admitted that "the evils complained of were only committed by a small section of the profession"—cannot we see our way to a remedy without putting in force such a measure as Mr. Norwood proposed? Nobody is obliged to retain these barristers who are charged with this misconduct; and what is more, if their retainers were cut down to a reasonable number per annum, the evil would at once cure itself; for it is not pretended that these counsel take their fees, and then go off to Richmond Park or Ascot races. They are in Court hard at work—about that there is no mistake. Diminish their briefs, and away go their sins and their fees at once. Therefore, we are at a loss to understand how a solicitor can gravely get up in the House, and say that the disease is so bad as to require the drastic remedy proposed by Mr. Norwood. Clients, no doubt, will run after fashionable barristers, just as patients will run after "crack surgeons," and such suitors will grumble at the scanty attention they get, just as the patient does. In all cases where, for a moderate fee, expectations are entertained of securing very fashionable counsel, who have the reputation of taking briefs recklessly—that is, if there are such counsel—it is the duty of solicitors to warn the client of the risk of non-attendance.

We have spoken of this question as restricted to barristers who err from want of sufficient discretion and caution in taking briefs, for Mr. Norwood does not go so far as to say that a barrister who takes a brief is to be present at the hearing at all hazards and in all events. The most superficial acquaintance with Law Courts would prevent any man from falling into such an extravagance as that. It is no uncommon thing for a case in the