

and whoever is accustomed to take such chances is in great danger of coming after a time to look upon the administration of the law as the turning of a wheel of a lottery, where any venture, however unpromising, may come out a prize. Such a lawyer gradually loses confidence in fundamental and enduring principles; his judgment is confused in the hopeful contemplation of possibilities, when it should seize hold upon and cling to legal verities, and it becomes wholly unsafe and unreliable. Safe legal advice can only be given by one who comes to the consultation in a judicial frame of mind, and dismisses for the time all such selfish considerations as would tend to lead the mind to a particular conclusion. And while this seems plain and unquestionable, it is no plainer than that a lawyer becomes untrustworthy in judgment in proportion as he permits his sense of honor and professional fidelity to be subordinated to his personal interests.

"8. The practice, then, is injurious to the cause of justice, to the court and to the lawyer himself. Rare good fortune may in some cases make it result in pecuniary prosperity, but it must be at such sacrifices as the teachings of the profession should secure one against a willingness to submit to. Under such circumstances it would seem that if poor persons need assistance to enforce their substantial rights, and are unable to pay for it, a lawyer, properly imbued with a sense of the just nature of his calling, will prefer to give assistance as a matter of charity, rather than place himself in a position that antagonizes the interest of the client, at the same time that in great degree it incapacitates him from performing the highest and most honorable of his duties, namely, those which are owing to the court and to the law itself."

#### THE LAW OF FORGERY.

A sensible decision has been rendered by the Court of Cassation in Austria, under the law of forgery. The circumstances were these: Caroline J., a waiter in the service of Colonel P., took a blank check from his check-book, and got her son to fill it up for an amount of 200 florins, date it, sign Colonel P.'s name to it, and present it to S. M. Rothschild for payment. The filling up of the blank check was awkwardly done, and the signature did not in the least resemble

that of Colonel P. The forgery was, therefore, detected and payment refused. The parties being indicted and brought to trial, the lower court directed a verdict of acquittal, on the ground that the false check was not at all adapted to deceive. The Government appealed, and the Court of Cassation has reversed the judgment below, saying: "The punishment of an attempt is based upon this, that it manifests the intention to commit an offence, in a manner endangering the order of law. Such danger, as is generally recognized in the Austrian decisions and doctrine, can only be denied where the attempt is made with means completely and unqualifiedly (*in abstracto*) unfit to attain the object. If the cause of failure was only in the manner of execution, or in the concrete quality or operation of the object used (so in fraud of him whose deceit was planned), then a punishable attempt is to be assumed. The acquittal was erroneous. A forged instrument is adapted to deceive."

#### HORÆ SUBSECIVÆ.

The *Canada Law Journal* thinks "there is no reason why editors of legal journals should not have some vacation as well as their brethren." It is proposed, therefore, to publish the journal named during vacation only "as circumstances may require." It is a mistake to imagine that editors need holidays. It is fun and play with them all the year round. However, out of consideration for their readers, it may be desirable that publication should be suspended sometimes for a while.

#### AMERICAN BAR ASSOCIATION.

The fourth annual meeting of the American Bar Association will be held at Saratoga Springs, on Wednesday, Thursday and Friday, August 17th, 18th and 19th, 1881. The sessions will be held at 10 o'clock a.m. and 7 o'clock p.m. on Wednesday and Thursday, and at 10 o'clock a.m. on Friday, at Putnam's Music Hall, corner of Broadway and Phila street, opposite the United States Hotel. On Wednesday the address of President, Edward J. Phelps, of Vermont, will be delivered at the opening of the session. Papers will be read by Thomas M. Cooley, of Michigan, on "The Recording Laws of this Country;" U. M. Rose, of Arkansas, on "The Progress of Codification;" Leonard A.