

his costs, being unable to recover them from his client, who was insolvent. He now claimed to have a lien on the judgment for those costs, contending that the defendant had no right to make such an arrangement. But the Court held that although the attorney had a lien on costs, and when he recovered them, might apply them to the payment of what is due to him, the parties were at liberty to make an arrangement between themselves with respect to them, although the effect might be to deprive the attorney of his costs.

If, however, there were fraud or a "juggle," for the express purpose of depriving the attorney of his costs, it would be otherwise. (*Brunsdon v. Allard.*)

THE 91st CLAUSE.

Elsewhere will be found some communications, the herald we hope of many others, from Clerks of Division Courts, in reference to the working of the 91st clause of the Division Courts' Act. We repeat our call for information, and again state our conviction, that unless full information be laid before the public, and that without delay, the Judgment Summons clauses will certainly be swept off our Statute book.

There is little use in merely lamenting the want of correct views by the general public as to the value and actual working of the law. Give information to prove what has been asserted, that without the provision the just remedies of creditors would be seriously impaired, and fraud encouraged; and that the law has not been used as a means of imprisonment for debt, but an engine of reasonable punishment for fraud and dishonesty by unprincipled debtors.

Apropos to the subject is an article in the *Law Times*, which we copy:—

"A return moved by the Attorney General, states the number of persons committed by the County Courts during the year 1858. The total is 11,501, of whom 8,361 were committed for non-appearance, 1 for refusing to be sworn, 81 for refusing to answer questions to the satisfaction of the Judge, 69 for contracting debts under false pretences, 19 for making away with property to defraud creditors, and 2960 for not having satisfied the judgment and costs. The actual imprisonment for debt was therefore only 2960, all the others being for acts or neglects, which any Court must have the means of punishing, or it may as well close its doors.

The Attorney General has, it seems, referred the question to the Committee of County Court Judges, requesting them to institute enquiries into those imprisonments, and suggest any improvements in the law or practice which may appear to them desirable."

Here is a precedent, which, should the question arise again we hope will be followed. We hold that Legislative changes in matters of this kind should have as their basis full and correct returns, shewing the actual working of the existing law. In the words of our able cotemporary,—

"while endeavouring to reform an abuse, reformers should beware lest they yield to the unwholesome sympathy for debtors and antipathy for creditors, which has marked modern legislation, which has resulted in a general relaxation of commercial morality, and the scenes of villany which have disgraced our country during the last five years."

THE BAR AND ITS PROSPECTS.

The following extract from the *Law Times*, though not at present strictly applicable to the Bar of Upper Canada, in its reference to "*back benches choked with wasting knowledge and wasted energies looking for employment but finding none*," is not without a moral to those preparing to enter the profession. The admissions to the Law Society have, within the last couple of years, been more than double those of previous years; and give promise of a future for our bar, not unlike the present of the English Bar, which is thus melancholy pictured in the article from which we quote. It would be well for some hundreds of those now within a foot of the bar, to consider well their chances, their fitness, and the prospects of an overcrowded profession, before they take the step of which they will "repent all their life long." However let them all read the following:—

"Dr. Johnston defined 'angling' as the triumph of hope over experience.' The same has been said of 'a second marriage.' A third must now be added: 'going to the Bar.'

"There was an immense 'call' this term. When the newly 'wigged' went to be sworn in at Westminster on Saturday, Lord Campbell, surveying the crowd of aspirants for forensic honors slyly remarked that 'it was consolatory to feel that in times to come there was no likelihood of counsel being wanted to protect the rights of the Crown, and the liberties of the subject.' A suppressed titter went round the Court, whose back benches were already choked with wasting knowledge and wasted energies looking for employment but finding none, and bitterly lamenting the folly that tempted them into an overcrowded profession, having but a few great prizes, but a multitude of blanks.

"The impending compulsory examination will do something towards restoring to the profession a better apportionment of supply and demand. A man will not be permitted to call himself a lawyer, and to be dub'ed with the title of learned gentleman, without some knowledge of the calling he professes. This will exclude the amateur barrister, and to some extent give more room to the real barrister. But even thus weeded we fear that the call days will continue to exhibit an excess of competitors for a steadily declining business. It matters little to the public what becomes of all this wasted ability; but it is of the utmost moment to the aspirants, who pine away, in discontented idleness, the lives which, if devoted to any other pursuit, would have been crowned with the pleasure of success, and the substantial comforts of fortune.

"No prudent man will now go to the bar, or send a son thither, unless he possesses one of the following qualifications, and we place them in the order of their importance:—

"1. Unless he is the son or brother of an attorney, or has married the daughter of an attorney, or has been himself an attorney.

"2. Unless he has influential connections which can insure a place for him, fit or unfit.