be, and often is, attained by men whose youth is a struggle with poverty. Let the examination test be raised by all means, but we much doubt the propriety or necessity of raising the money test. We certainly think the examination test is not sufficiently strict. We believe that the facilities for calls to the bar, and for admission as attorneys, are too many. We should commence with increasing the standard of qualification, and if that were not found sufficient, should then be disposed to try some of the other means suggested by our correspondent. The whole subject is deserving of earnest and serious consideration, and no doubt at an early date will receive the attention of the benchers.—Eds. L. J.

REVIEW.

The Insolvent Act of 1864, with Tariff, Notes, Forms, and a Full Index. By James D. Edgar, of Osgoode Hall, Barrister-at-Law. Toronto: Rollo & Adam, Law Publishers, King Street East, 1864.

This little volume must command an extensive circulation. The Act which it contains, and which it explains in annotated form, is as yet little understood, and many are interested in the speedy and correct understanding of it.

To attempt a comment upon an Act which has only been a short time in operation, in the absence of decisions to guide in its interpretation, is no doubt, as the compiler states, "a hazardous undertaking." But we have carefully examined his notes, and find that he has creditably acquitted himself. Some of his notes are of necessity speculative; but the greater part of them are practical.

The note to s. 2, as to persons entitled to make voluntary assignments, is well considered and carefully written; and, so far as we can judge, the conclusion at which the compiler arrives is undoubtedly correct. His note to s. 3, sub-sec. 2, as to the meaning of the word "trader," is one of the best on that subject that we have seen in any work of a similar kind to the one before us. We have not space to transcribe these notes, or we should be glad to do so for the information of our readers and as good examples of what they who become purchasers of this work may expect to receive. The two notes to which we have referred are, perhaps, the most elaborate in the work; but there are many others no less valuable for learning, and as repositaries of decisions early and late bearing upon the points suggested. We have been agreeably surprised to find to what a late period the compiler has brought down his cases. We observe reference to cases reported in current volumes of the *Law Times Reports* and *Jurist*; and at pages 35 and 81 we find noted the decisions of his honor Judge Logie in *Bagwell* v. *Thompson* and *Worthington* v. *Taylor*, as reported in 10 U. C. L. J. 304, 305.

This book, for the purposes of the Upper Canada lawyer, is more suitable than that of Mr. Abbott, which was reviewed by us in our last issue of the *Law Journal*. It would be well for all who can do so to become possessed of both; but those in Upper Canada who require one only cannot hesitate to prefer the work of Mr. Edgar. Those in Lower Canada who require one only will have as little hesitation in choosing Mr. Abbott's work. This might naturally be expected. The laws of Upper and Lower Canada, in regard to civil rights are so essentially different in their origin, that works in relation thereto, written in either section of the Province, must partake largely of the peculiarities in law of that section in which it is compiled. Hence in Mr. Abbott's work will be found many references to French law of as little service to the practical lawyer of Upper Canada as many of Mr. Edgar's references to English decisions will be to the practical lawyer of Lower Canada.

We are disappointed with the Tariff of Fees framed by the judges of the superior courts of Common Law and Chancery in Upper Canada, as compared with the Tariff framed by their brethren in Lower Canada, published in Mr. Abbott's work. Upon turning to Fees to Counsel in the Upper Canada Tariff, we read as follows:—

COUNSEL.

"Fee on arguments, examinations, and advising proceedings, to be allowed and fixed by the judge as shall appear to him proper under the circumstances of the case."

If there were only one judge in Insolvency the rule might not be very objectionable. But when we reflect that there are more than thirty, of different degrees of liberality, having different views as to amounts of fees that ought to be paid to counsel, we have little hope that there will be anything like uniformity. Perhaps there is no subject upon which ever the judges of the superior courts so little agree as on the fees proper in amount for counsel, and certainly no subject more distasteful to them than applications for counsel fees. Whenever they can they throw upon the master the responsibility of settling the quantum of fees to be paid to counsel. We have known one judge *ex parte* to allow and to order a counsel fee of $50 to counsel for defendants at a Chancery hearing postponed at instance of plaintiffs owing to absence of witnesses, where nothing was done beyond opposing the application. We know other judges who would as soon sign warrants for their own committal to close custody as make such an order under such circumstances. We do not undertake to say who is right and who is wrong. We simply advert to the fact to shew how differently men high in authority view remuneration to counsel. This being so, it is hopeless to effect a uniformity of prac-