

tion of such photographs, with a view to facilitate identification, and thereby prevent crime.

The English *Law Journal*, referring to the late case of *Johnson v. Emerson & Sparrow*, 40 L. J. N. S. Exch. 201, says: "We believe no case will be found in the books, occupying greater space." The length is occasioned by the elaborate judgments upon the question whether or not the defendants were guilty of maliciously procuring the plaintiff to be adjudicated a bankrupt. The court was equally divided. One judgment was withdrawn, and the case goes to the Exchequer Chamber. As to the mere length of the report, we think the *Law Journal* will find that it is surpassed by the Admiralty case of *Banda and Kirwee Booty*, L. R. 1 A. & E. 109. The Exchequer case is reported in L. R. 6 Exch. p. 329, and there occupies 74 pages: the Admiralty case was argued by 37 counsel, representing different interests, and fills 160 pages. True, it may be said of this latter case that it is really a consolidation of several cases.

We observe that the Supreme Court of Pennsylvania has suspended an attorney rejoicing in the name "J. Charles Dickens," by reason of his attempting to intoxicate his opponent, in order to take an advantage of him, "until the offence should be thoroughly purged." The unprofessional singularity of the misconduct, and the mysterious duration of the term of punishment, are alike provocative of profound amazement.

#### FEEES TO LAWYERS IN DIVISION COURTS.

A correspondent recently asked our opinion as the propriety of a small fee being allowed for professional services, as part of the costs of a successful litigant in Division Courts; such fee to be in proportion to the amount in dispute, or the difficulty of the case.

The arguments and reasons given in the letter alluded to are, as we think, insufficient and beside the question. But though he has not put his case as forcibly as he might have done, we are aware that there is a growing desire to have the assistance of lawyers in these Courts; and it is so on the tenable ground that with competent professional men, who understand and are disposed to do their duty, there may be a saving of time, and con-

sequently of expense. When speaking, however, of the saving of time, we allude as well to the preparation of the case before trial as to the mode of conducting it at the trial. If a competent lawyer were consulted, before the case was entered or defence put in, as to the form of the claim or defence, and the evidence necessary to support it, there would be no reason, as a general rule, for those frequent adjournments which are now necessary to prevent injustice, and which take up so much time, and would enable the case to be disposed of on its merits in the first instance.

Again, in calling and examining witnesses, much time may be saved by confining them to the very points in issue, and bringing the court at once face to face with the real question in dispute between the parties.

The policy of the Division Court system, however, has hitherto been against any fees being allowed to professional men in Division Court cases; the intention being, we presume, that the costs should be kept at the lowest point consistent with the due administration of justice. Nor must it be lost sight of that these Courts are intended for the dispatch of business in a summary way, and to allow to practitioners in the Division Courts the same latitude that they have in the Superior Courts, would be to impair their value as cheap tribunals to poor suitors for small amounts.

As matters are now arranged, the whole business of each Court is generally concluded in a single day. With lengthy examinations of witnesses, and addresses from lawyers, three or four cases might occupy a whole day, and protract the sittings for three or four days, to the great injury and annoyance of suitors. In any point of view much would depend on practitioners, whether the Court was assisted or not, or whether business was delayed or not, themselves become a nuisance or the reverse.

The employment of counsel in every case is not at all likely to become the custom, and in simple cases would not be beneficial. Professional aid should be encouraged in difficult or complicated cases, and a fee to counsel taxed at the time, within a certain limit, having reference to the nature of the case, and with power to disallow a fee in cases where such a course would seem to the judge just and proper.

It would be a great improvement if the judge had power, in any case of sufficient im-