swearing unintentionally but most undoubtedly encouraged and fostered. The fact is, that these Courts, in a country where there is no State Church, are simply for the purposes of church discipline and the enforcing thereof against those who choose to submit, which they must either do or run the risk of being deprived of their *clerical status*, whatever it may be. But after what we have learnt of the mistakes fallen into—administering oaths, &c.,—it does seem worth while to let the law be clearly understood both by clergy and laity, and we have many readers among both bodies. And we may state the law in very few words.

No Court which is not the creature of some Act of Parliament or law empowering it to take evidence on oath, can, without breaking the law administer an oath and take evidence upon it; and, there is no law enabling any ecclesiastical court or any court of clergymen to take evidence on oath, in Canada. And further—that no process can compel the attendance of any witness or affect any one's person or property, except it be the process of some Court which we can find, by the statute book, is the law of the land. And we hope we shall not see or hear more of extra-judicial proceedings.

The too prevalent practice, on the part of Commissioners of Queen's Bench, of administering oaths not sanctioned by any statute, may form the subject of remarks on a future occasion.—(*Communicated.*)

THE ENGLISH BAR.

It appears from the English papers, that the promised compulsory examination for the bar is to be established forthwith,—that is to say, it will probably commence with Michaelmas Term next.

The *Law Times* copies at length an article on this subject, "England in our Wake," which recently appeared in our pages. Our English cotemporaries give due credit to "*our colonies*" for the good example; and while according, as we did, to Sir Richard Bethell's perseverance, the accomplishment of this great reform, adds,—"The thanks of the profession will be due likewise to the Benchers who have resisted no small amount of hostility from those whose hopeful prospects of place will be annihilated. The amateur barrister will cease to carry off the honors and profits which are the proper rewards of the laboring lawyer."

"THE COUNTY COURTS CHRONICLE."

We are much gratified in being able to refer to a publication holding such a high position, and so ably conducted as the English *County Courts Chronicle* for an opinion of this Journal.

The *Chronicle* in the June number, thus refers to the *Law Journal*.

"We have received the number for April of the above well conducted publication, which quite maintains the character it has justly acquired, for its sound and practical leading articles, and for its carefully digested reports;" and after referring to various of our Editorials, thus speaks of our article as to robing in the Division Courts—tribunals which answer to the English County Courts—"the adoption of a distinctive costume by the advocates in County Courts, in favour of which we have more than once expressed our decided opinion, is also discussed in this number of the *Upper Canada Law Journal*, and meets with its strenuous support;" and adds, "on the whole this month's number is one of the most interesting that we have recently received.

A CURIOUS POINT.

The following decision, given in the Court of Exchequer *on Thursday, May 13th, before the Lord Chief Baron* and Barons Martin, Bramwell and Watson is worthy of note:

WRIGHT *v.* MILLS.

In this case a rule had been obtained, calling on the plaintiff to show cause why an order of Mr. Justice Williams should not be set aside under the following circumstances:—An action had been brought against the defendant, Thomas Mills, on a bill of exchange. Judgment was signed at eleven o'clock on the 28th of May, and defendant died at half-past nine the same morning. Execution was issued the day after the defendant's death, and his goods were seized. The question raised by the rule was, whether the judgment could stand, it having been signed subsequent to the death of the defendant in the action.

Mr. Lush now showed cause against the rule, contending that the judgment was void, and the ruling of Mr. Justice Williams correct.

Mr. Malcolm having been heard *contra*,

The Lord Chief Baron was of opinion that the signing judgment was a judicial proceeding, and, as such, must be considered as occurring at the earliest period of the day, so that the death of the party could not invalidate it. The rule must, therefore, be made absolute, on the ground that it was signed on the day in question.

The other learned judges concurred, and the rule was made absolute.

This was the last day of term.—*English Standard, May 13th.*

ATTORNEY'S LIEN ON COSTS.

In the Queen's Bench in England, a case has just been decided of some interest to attornies, a note of which we find in the *Law Times*. A plaintiff had obtained a verdict against a defendant, and the defendant against the plaintiff in a cross action. The plaintiff became insolvent; and a settlement was come to between them, without the knowledge of the attorney, by which, on payment of a small sum, they were to give each other mutual releases. By these means, the plaintiff's attorney was wholly deprived of