own case in person should be allowed for his services so rendered, because he is a practising barrister.

What can be said in favour of a solicitor's right to profit costs which cannot be as equally strongly urged in favour of counsel's?

The fees of both solicitors and counsel are, in this Province, regulated by tariff, and it has been held that counsel may apply against their clients for an order for taxation of their fees, with a view to enforcing payment thereof in the same manner as a solicitor, *Re C. K. & C.*, 6 P. R. 227. In the old case of *Baldwin* v. *Montgomery*, 1 U. C. R. 283, it was even held that counsel might sue his client for the recovery of fees taxed under the tariff (and see *McDougall* v. *Campbell*, 41 U. C. Q. B. 337, affirmed 14 L. J. N. S. 213). But in the latter case the Court held that when the counsel was retained by the attorney he could not sue the client. The English cases are, however, opposed to any action lying for counsel fees, see *Kennedy* v. *Broun*, 13 C. B. N. S. 677, *Mostyn* v. *Mostyn*, L. R. 5 Chy. 457, because in England they persist in clinging to the theory that a counsel fee is in the nature of an honorarium, and that its payment is merely of moral and not legal obligation. In this Province there are indications that this somewhat poetical notion is out of date, and yet some traces of it still linger in the air. The sooner it is done away with altogether the sooner we shall have reached the region of common sense in this matter. In the present day, in this Province, a barrister's fee is not an honorarium, it is the taxable price of certain professional services. What is the use therefore of pretending it is something which everyone knows it is not. The only merit the theory appears to possess is that it affords counsel a convenient protection from liability for negligence in conducting cases. Whether this immunity from liability, even for gross negligence, is altogether reasonable, or can in the present day be maintained, at all events in this Province, we will not at present stop to discuss. (See *per* Adam Wilson, J., *Leslie* v. *Ball*, 23 U. C. Q. B. 512.)

In Re C. K. & C. 6 P. R. 227, Blake, V. C., said, "I am not at all prepared to perpetuate the old idea, that the fees payable to counsel are a mere honorarium, and therefore cannot be recovered by suit or other proceedings;" and Harrison, C. J., rather dolefully remarked in *Re North Victoria Election* case, that if the old rule which affirmed that the fee paid to counsel was a mere honorarium he was sorry to admit "little, if anything, remains except the shell." Considering the "old rule" has thus so nearly disappeared it is a pity that its "shell" should not be also consigned to the limbo towards which the poor old rule has made such progress. We should hope that if the question should ever come before an Appellate Court for consideration that the Court may find itself able to lay down the same rule regarding counsel acting in person, as has been established regarding solicitors so acting.

OUR ENGLISH LETTER.

(From our own Correspondent.)

LEGAL business is still at a low ebb. The great men of the profession such as Messieurs Charles Russell, Horace Davey and Webster are doing well and so are some of the Junior Bar who are specialists. Mr. Moulton, for instance, has reaped such a harvest of scientific cases out of the Patents Act and Electric Lighting Act that he has deemed it advisable to apply for the honour of a silk gown. But the great mass of the Junior Bar and a considerable number of Queen's Counsel suffer grievously from lack of occupation.