

SELECTIONS.

or uncertainty, with the conviction that it was intended that whichever survived was to have the benefit of the investment. I do not believe that the lady had the slightest intention or wish that if she died in the lifetime of her husband he should not have the investment; nor do I believe that there was any intention that if she survived the debenture stock should be earmarked so as to be so subject to the incidents of her separate property. To my mind, the moment you come to the conclusion that the joint account was kept in order to be used by either party (each party having perfect confidence in the other that it would be used with perfect propriety), without any distinction as to the sources from which it arose, it is very difficult to suppose that any purchase made from it was to have a different nature." For our part, we cannot help regarding this as a rather important decision, especially in its bearings in that of *Marshall v. Crittwell* (*ubi supra*), and on the strength of it the writer has personally acted. But it will be found that, in practice, one of the advantages afforded by such joint accounts, the power to each party to draw, will not be allowed by some banks without an express direction from the depositors at the time.—*Irish Law Times*.

MUTUAL RIGHTS AND DUTIES OF THE BENCH AND BAR.*

FEW or none of us but remember the time when we looked upon courts of justice with a much greater feeling of respect than that with which we now regard them. I do not believe that this is due to the degeneracy of the courts in the matter of learning or integrity. It is due partly to the fact that familiarity has destroyed much of the sense of dignity with which they impressed us, and partly to the fact that many of our courts are not, in fact, as dignified in manner as they used to be. But to whichever cause we refer it, we perceive that this lessening respect is due directly or indirectly wholly to the failure

or knowledge of the failure on the part of the bench and bar to observe and respect their mutual rights and duties. Judges are as learned and lawyers as able and eloquent now as they were years ago, or if they are not, even this may be traced to the cause to which we are now adverting.

Is it not time that we should pause and soberly consider the question as to whether we are not doing a grave injury to ourselves and the profession, whose interests are for the time being committed to our keeping, by suffering the want of dignity and courtesy which obtains in our courts at the present day? Far be it from me to advocate anything which will have a tendency to produce a race of dude practitioners. Let us have nothing which will substitute dandyism for force and knowledge of the law. Let us by no means be so courteous to any one as to sacrifice in any degree the interests of those whom we represent. We have not sworn that that we will at all times be Chesterfields in manner; but we have sworn to be faithful and true to our clients; and, besides, are bound by all considerations which weigh with honourable and upright men not to betray those who have confided their interests so fully and entirely to our keeping.

There is, however, a certain degree of manly courtesy which tends directly to the due and proper administration of justice and to the production and development of able and learned judges and lawyers.

The result in any given case depends upon the joint labours of the counsel engaged in it and the judge who sits upon the bench to try it. Do not the plainest dictates of common sense teach us that that result will be better when there is the proper degree of harmony amongst the agents than when there is unseemly discord? I say unseemly discord or contention. I do not mean to advocate a courtesy which will make a lawyer forget that he is working for his own and not his antagonist's client. I do not mean to exclude vigorous professional strife between opposing counsel. I do not even mean to exclude a reasonable amount of temper between them in a proper case. I refer more particularly to the harmonious working of the judge and the lawyers. I would

*An address recently delivered before the Allegheny County Bar Association, by one of its members.