

SOLICITOR'S DUTY OF KEEPING ACCOUNTS—EVIDENCE OF FOOTMARKS.

Lord Campbell tells a story about a dispute in Court between Lord Chancellor Brougham and Sir E. Sugden, and he adds that the latter was laughed at. This Lord St. Leonards denies, and tells us what really occurred. Lord Brougham was in the habit of reading and writing letters in Court, and Sir E. Sugden very properly refused to go on with an argument whilst the Lord Chancellor was plainly and even ostentatiously engaged in letter-writing. The Lord Chancellor made a testy remark, but there was no demonstration; and afterwards, if he had occasion to write a letter, he did so on the open note-book, and in a manner that did not attract attention.

There was an unfortunate difference between Lord Chancellor Brougham and Sir E. Sugden, which was the subject of a sharp debate in the House of Commons, the report of which is copied from 'Hansard,' and given as a supplement to this little book. Lord Brougham attacked Sir E. Sugden, and used a very improper epithet. Even before Lord Brougham went out of office the quarrel was adjusted, and says Lord St. Leonards:—'Lord Campbell knew that for many years Lord Brougham and I were on terms of friendship, but as his book would not be published until after Brougham's death, he was safe in reviving in its most odious form an attack which Lord Brougham had lived to regret and to atone for.' No doubt the account of Lord Campbell is one-sided, and, we must say, exceedingly spiteful. Lord St. Leonards remarks, 'His object was to strike at me. This he dared not do during our joint lives; but it might be partially accomplished by leaving his book as a legacy to be published after his own death, without regard to what was due to me, if living.' We shall not comment on the rest of the misrepresentations exposed by the learned and venerable lord, as we have already devoted considerable space to a review of the volume by Lord Campbell. Whilst living, Lord Campbell professed much friendship and admiration for Lord St. Leonards. So he did for Lord Brougham, but that did not prevent him preparing a vituperative biography. Lord St. Leonards is indignant with the treatment of Lyndhurst and Brougham, and remarks that 'their lives remain to be written.' We shall soon have the biography of Lord Brougham, and meantime Lord St. Leonards may rest assured that no one will think any the worse of either Lord Brougham or Lord Lyndhurst on account of the misrepresentations of Lord Campbell.—*Law Journal*.

SOLICITOR'S DUTY OF KEEPING ACCOUNTS.

Re Lee, L.J., 17 W. R. 108.

A Solicitor stands in this respect upon a very different footing from an ordinary agent. It is the duty of the latter to keep regular accounts and preserve the vouchers, at the peril of being disallowed every claim which he cannot possibly substantiate. If he does not do

this, it amounts to a fraud in equity. But a solicitor, though it is very reprehensible of him not to keep accounts, will not be treated in the same way as an ordinary agent or receiver, if he has not done so. Considering how complicated is the relationship between solicitor and client, extending over so many years, as it often does, it would be strange indeed if the solicitor did not meet with more consideration in the eye of the Court than an ordinary agent under such circumstances. Irregularity in keeping accounts as a solicitor, Lord Eldon said, in *White v. Lady Lincoln*, 8 Ves. 363, "is not a ground for saying that he shall make no demand. It will press him with more difficulty in making the demand, but if finally he can make it out by documents and proofs which the Court can receive, he must be paid." The Lords Justices took the same view of the rule in equity in deciding the present case, namely, that the omission to keep accounts was not a ground for depriving the solicitor of his proper taxed costs for the business done. In *White v. Lady Lincoln*, it is true, Lord Eldon refused to allow a charge for business done by a solicitor, who had kept no regular accounts. But it is to be observed that this solicitor had acted as auditor, steward, and agent also, had kept no regular accounts in any of those capacities, and had kept no vouchers except those in his own favour; and was therefore treated as a general agent, bound in duty to keep regular accounts. But in the present case the business done by special arrangement had been paid for separately, and was distinguishable from the general business, in respect of which no formal account, item by item, could be rendered. From a comparison of the present case with *White v. Lady Lincoln*, it would seem that if a solicitor acts as an agent out of his professional sphere, like any other agent he must keep formal accounts at his peril; but in charging for ordinary professional business it is enough if, in the absence of formal entries in his books, he can make out that the business has been actually done, by such secondary evidence as the Court can receive, and he will not be permitted to lose his costs altogether, merely because he has failed to keep his books with mercantile regularity.—*Solicitors' Journal*.

EVIDENCE OF FOOTMARKS.

About four years ago, as we learn from a paragraph in the *Times*, a man named Harris was convicted of cutting out the tongue of a neighbour's horse by night. The evidence was solely that of footmarks. The sentence was eighteen months' imprisonment, which told so on the prisoner that he died. Since then his innocence has, it is said, been completely established.

Of all evidence habitually adduced before magistrates, at quarter sessions, and at assizes, there is scarcely any so common as that of