

to think the German law deals more adequately with the difficulty. In Germany neither party can as of right give expert evidence. The Court first of all determines whether experts should be called at all; and, if it decides that they should be called, itself appoints them and regulates their number. By this means there seems more probability of obtaining a really valuable and impartial opinion. That is what is wanted and not merely a plausible theory to support the view of a particular litigant.

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#### *CLIENTS AND COUNSEL.*

On the 24th of September last the Court of Appeal prematurely brought its sittings to a close not because all the cases set down to be heard had been disposed of, but because counsel engaged to argue several of them were absent elsewhere on circuit.

There are something over 800 practising barristers in Toronto and it seems strange that any Court in Toronto should have to adjourn its sittings because counsel could not be found to argue cases. The remedy of course is very much in the hands of solicitors, who seem to be content that their clients' cases shall thus be indefinitely postponed in order that they may have the services of some particular counsel who has really more work to do than he can properly attend to. Counsel of eminence will of course always command a large amount of business, and no one would reasonably grudge them all they can properly do, but we think both they and solicitors do themselves and their clients injustice when they try to put on one man's shoulders more than he can bear.

It would be far better for a counsel to raise his fees and confine himself to one Court than keep up a constant rush from one end of the Province to another in the endeavour, like Sir Boyle Roche's bird, to be in two places at once. There are some features in the English bar system which might be adopted here with advantage. The English rule is that a practising barrister should adopt a particular circuit and not go out of it except for a very extra large fee. Other leading counsel who do not go circuit confine their practice to particular Courts, thus in England each of the Courts of the Chancery Division Judges has, we believe, a separate bar, who practise in that Court only, unless specially retained for extra fees to plead elsewhere. Then again the English practice