

"It appears to be generally held that the vacant position in the Court of Appeal ought to be given to Mr. Justice Chitty, and there is reason to believe that this appointment will be made. In that event either Mr. Cozens-Hardy, Q.C., M.P., or Mr. Warmington, Q.C., M.P., will be raised to the Bench. There has not been a Chancery judge appointed since 1890."

It is said that nothing succeeds like success. This saying appears somewhat in a new light in a statement of a proposition of law in a recent number of the *Central Law Journal*, which lays it down as law that, "in estimating the value of an attorney's services, the result thereof is a very important factor, and, indeed, one of the main elements." The writer does say that there are other elements which must be equally considered; but he lays great stress on the success attending the services. His remarks are based on a recent decision of *Randall v. Packard*, 36 N.E. Rep. 833, where the Court of Appeals of New York held to be erroneous the charge of the court below to the effect that the main element of value in reference to a suit for attorney's fees was the *result*. The Court of Appeals said that if this statement had stood alone it would have been distinctly incorrect and misleading, inasmuch as the result of a lawyer's services, though one of the main elements, was not the only element in determining their value. We are inclined to think that both the Court of Appeals and the writer in our contemporary misstate the law. An attorney having proper learning and skill for the conduct of the case, who does his duty by his client honestly and faithfully, is entitled to his reasonable fees if he fails as much and to the same extent as if he should succeed. The result has nothing to do with it.

#### CRUELTY TO ANIMALS.

We notice, in a recent number of *The Legal News*, the report of a case tried at the Recorder's Court, Montreal, on a prosecution under s. 512, s.s. (a), of The Criminal Code, which provides that every one who "wantonly, cruelly, or unnecessarily beats, ill-treats, abuses, overdrives, or tortures any cattle, poultry, dog, domestic animal, or bird," shall be guilty of an offence, and liable