

PROFESSIONAL INVADERS—HUMOROUS PHASES OF THE LAW.

a counter claim for damages for non-delivery of the remainder of the goods was sustained.

In *Honck v. Muller*, 7 Q. B. D. 92, 45 L. T. 202, Lord Bramwell appears to have considered that in no case where the contract had been partly performed, could one party rely on the refusal of the other to go on, as amounting to a renunciation of the contract. But the Court of Appeal, we see, repudiated the idea that any different rule is applicable whether the contract be performed in part or not performed at all.

We may add that the Court of Appeal, in arriving at the decision they did, were compelled to admit that it was impossible to reconcile the earlier cases on the point, referring more particularly to *Hoare v. Rennie*, 5 H. & N. 19; *Simpson v. Crippin*, L. R. 8 Q. B. 13; 37 L. T. N. S. 546; and *Honck v. Muller*, 7 Q. B. D. 91; 45 L. J. 202.

PROFESSIONAL INVADERS.

WE refer again to this subject, which is indeed a burning question amongst country practitioners, for the purpose of urging upon the Judges not to appoint commissioners for taking affidavits so freely as is done.

We believe that one remedy for the profession will be found there. The practice for some time has been that every one of these unlicensed practitioners who competes with the lawyer in his own town or village, obtains a commission just upon asking the County Judge to give a certificate that the public needs require it. It is said that these certificates are often given thoughtlessly.

But the discretion in granting the commissions is that of the Superior Court Judges, and they have no right to delegate it to others. If they wish to be informed on the subject, let them enquire as well of the Bar in the County as of the County Judges, and let those whose duty as well as right it is, take some pains to be fully informed. It is hard that they should be

called upon to spend their time in this. But they can depute the officers of the Courts to make enquiries, and then act on the information. The profession have rights and they should be protected, and they naturally call upon the Judges to do their part. The number of lawyers in the country is now so great that there is no practical inconvenience in limiting commissions to them and to Clerks of Division Courts. The Benchers have discussed the matter again and again, and we have dozens of times exposed the iniquity of the present system. As for legislation in this matter, of course it is hopeless to get any Local Legislature to see that there is a grievance when so many of our legislators earn an honest (or the reverse) penny by conveyancing. Of course these hedge conveyancers put a good deal of work in our way by their ignorance, but that, certainly, is not the reason why the Judges in effect, but, of course, most unintentionally, play into their hands. Refuse commissions except to officers of the Court, save for very special reasons, and the grievance will be to some considerable extent remedied.

HUMOROUS PHASES OF THE LAW.

WE are told on good authority that the Reports of the American Courts are being issued at the rate of about two volumes a week. With this one appalling fact in our minds, we are not surprised that a person, of Mr. Browne's keen observation of anything and everything containing ought of humor in its composition, has been able, since the appearance of the first edition of his "Humorous Phases of the Law,"* in 1876, to glean enough amid the decisions of the Courts to add very materially to most of the topics of which he so pleasantly treated. Besides, he has not been content with the vast field that lies before him shadowed by the patriotic wings of

Humorous Phases of the Law. By Irving Browne, editor of the *Albany Law Journal*, author of "Short Studies of Great Lawyers," new edition, revised and enlarged. Summer Whitney & Co., 1882.