

CORRESPONDENCE.

also *Ex parte Carr*, 3 Q. B. 447; *Ex parte Ridout*, T. T. 2 & 3 Vic. R. & H. Dig., Attorney I. 1. 4; *Ex parte Hume*, 19 U. C. Q. B. 373; *Ex parte Smith*, El. & El. 928; s. c. 5 Jur. N. S. 515; 7 W. R. 451).

The nature of the employment, whether treasurer, collector, official assignee, agent of an insurance company, or otherwise, so long as *not* that of the attorney to whom the clerk is articulated, is a matter of no consequence. All such are prohibited if they interfere with that of the due prosecution of the study of the law. The student is not to serve two masters. But we must add that in one case, where an articulated clerk had accepted the office of auditor of a poor law union, the duties of which were performed by him as extra labor, *after* the close of business hours, it was held no objection to the service (*Ex parte Llewellyn*, 2 Dowl. N. S., 701). Mr. Justice Williams, in giving judgment, said: "If a man chooses to work extra time, and to make two days out of one, I do not see why he should not be at liberty to do so. The damage is to his own constitution, and not to his master" (*ib.*). We do not find that this case has been followed in any subsequent case, and would not recommend it to be allowed as a precedent.

We know of nothing which, in Upper Canada, at present, prevents an articulated clerk receiving a salary. It is, however, we believe, contemplated by the Benchers to make some regulation on the subject.—Evs. L. J.]

Profession of the law—Multiplication and deterioration—Remedies proposed.

TO THE EDITORS OF THE LAW JOURNAL.

GENTLEMEN,—There is a very general feeling in the profession throughout the Province that something should be done to stop the influx into its ranks, and restrain it within legitimate limits; but no one seems to care about doing anything to prevent it.

The reason for such is, perhaps, with the majority of lawyers, a selfish one, but there are reasons of a far higher nature. It is the duty of every member of the profession to do all he can to elevate the tone and public standing of the profession; and it cannot be denied but that many are admitted, and many seeking admission into its ranks, who are not calculated to raise the standard in public estimation. Many wanting ability to

assure an honorable practice are driven to various devices to earn a livelihood, which not only bring their own names into discredit, but also reflect disparagingly upon the profession to which they belong. I have heard it said that a leading counsel remarked "They are only fit to give briefs to a barrister." Granted. But the reputation of the body as a whole suffers from the pettifoggery of its members, and each one is injured in the public estimation by the low practices of his brother professionals. Besides, the profession necessarily occupies a very prominent public place, and exerts a very powerful influence upon the community. It follows that the profession owes to the public the duty of admitting to its ranks only such as are capable of fulfilling their duty to that public. No system could be adopted which would secure this in every instance, but we think something might be done to lessen the evil.

There are enough already in the profession to meet the requirements of the public for many years, and a system much more stringent than that now in force might be adopted without injury to the public; and, whatever be the ordeal, many there will be who will pass it.

The public would gain in another respect. Many young men who are better fitted for another place in our social and political fabric, finding the road to the profession less easy of travel, would turn their attention to something else, and add so many more to our mercantile, manufacturing, agricultural, &c., population. And the wants of the country will be better satisfied by increasing these classes than the professions. There must be lawyers. They are as necessary a class as doctors, mechanics, farmers, or any portion of the community which go to make up the whole. No one but a lawyer can tell how much the community is injured by incompetent lawyers.

Assuming, then, that the evil exists, how is it to be remedied? It is said to be in contemplation to require every candidate to make affidavit, in addition to that now required, that he had served five years without fee or reward. This certainly would be a very effectual mode. It would be unfair, however, to such as have commenced their studies, if such a rule were to be adopted, to take effect at once; but no one could com-