

thorough familiarity with certain prescribed subjects and books is required.

The Student member of the Law Society must attend a given course of Lectures, and after remaining on the books of the Society for five years, he must again submit to an examination of his legal and general attainments, and if found properly qualified for call, he is admitted to the degree of barrister at law. (The course prescribed was always respectable, and late rules have wisely enlarged the requirements.) Thus in U. C. we see the qualifications of the attorney lowered, or at least the test of fitness dispensed with, and that branch of the profession placed on a less safe footing for suitors than in England or in Lower Canada, while the distinguished calling of the barrister is elevated and accredited by extended qualifications and searching requirements.

It is to be remembered also, that as at present constituted the Local Courts are presided over by a single Judge, whose duties are not wholly confined to one Court or to one class of cases, and who has the bulk of the business, civil and criminal, arising in his county, to dispose of; that the jurisdiction delegated to County Judges has been greatly enlarged, and that new and difficult questions are constantly arising before them; and therefore it certainly seems most desirable that the Local Courts should have the assistance of an educated and able local bar. The law requires a standing in the Judge, why not in the advocate?

An advocate is something more than a mere agent for his client; he is in reality an officer assisting in the administration of justice—"acting in aid of the judge before whom he practices."

Of the capabilities of the four gentlemen practising in this county as attorneys, I entertain a high estimate, and I would by no means say anything disparagingly of attorneys as a class; but I think that on broad grounds the assistance of the accredited advocate is to be preferred. If attorneys were admitted to act as advocates, articled clerks would bye and bye ask for the same privilege, and in the end simple lequacity might advance a claim. It is far more important to the public than to the profession, that advocacy should be confined to the gentlemen admitted to the bar.

The Law Society of Upper Canada was instituted for the purpose of securing to the Province a learned and honourable body to assist their fellow subjects, and support and maintain the constitution; and we have it from the highest authority in the Province, that it was extremely well calculated to ensure the respectability of the profession in Upper Canada, and has most satisfactorily fulfilled its object.

Unless plainly obliged to hear attorneys as advocates, I would not in my sphere of action (whatever may be the practice in other independent tribunals) exercise a discretion at variance with privileges conferred upon barristers for the public good, and held by them as a sacred trust; and in refusing to attorneys the privilege of advocates, I follow a course which I believe will best serve the due and satisfactory administration of justice. The gentleman who now applies, I am pleased to know, will only be temporarily affected by my decision, for Mr. Wright now stands on the books of the Law Society as a Student, and may be called to the bar in due course.

## TO CORRESPONDENTS.

T. W.—Your queries will be answered in our next; all should be sent in before the 25th of each month, to be in time to receive an immediate answer.

A. S.—In future please prepay your letters: we publish your letter, with reply annexed.

J. C.—Have written you by mail in reply.

R. N.—We sent you the No. required.

E. S.—Have you received the number for May, forwarded?

B. L.—The 2nd Volume and No. 1 of 3rd Volume was forwarded by the Publishers and registered. Your letter has been handed us by Mr. Patton: that gentleman has now no connection whatever with the Law Journal; all letters should be addressed either to the Editors or Publishers of the Law Journal.

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Barrie, U. C.

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### \* PRACTICAL POINTS.

#### COURT OR JUDGE—RELATIVE POWERS.

To tell where the jurisdiction of a Judge in Chambers ends, and that of the Court begins, is simply impossible. His authority to make orders in the various cases which are brought before him is, when considered upon principle, the authority of the Court itself. No order made by a Judge in Chambers can be enforced by attachment until it has been made a rule of Court. On any other principle it is difficult to account for the validity of many acts done by a single Judge, such as setting aside irregular judgments; which judgments must in principle be considered the acts of the whole Court, discharging prisoners out of execution, and the like; (*Doe dem. Prescott v. Roe*, 1 Dowl. P.C., 274.) The Judge, for the purpose of all applications that may be made to him, represents the Court, and sits apart both for the convenience of the Court and of suitors. It is intended that matters which from their nature are too trivial to be entertained by the full court, or of too urgent a nature to be delayed till term, should be disposed

• By Robert A. Harrison, Esq., Barrister-at-Law.