

AMALGAMATION.

of the Exchequer and justices from doing so, and forbids the barons and justices themselves to admit any, "but only in pleas that pass before them in the benches and places where they be assigned by us."

Thus the attorneys and solicitors grew to be an important branch of the law; and as they became a distinct body by themselves, their particular functions became distinctly marked out, as contrasted with those of the bar. It seems, therefore, that the bar and the solicitors have gravitated into their present places in obedience to the requirements of convenience; and this to our mind, is a strong *a priori* argument (we do not put it higher) in favour of the arrangement which has thus been produced.

Mr. Justice Hannen recognizes the great difference between the duties of an advocate and those of the solicitor, but thinks it impossible to draw a line of demarcation. We confess that we cannot appreciate the force of this corollary. If a line of demarcation is intrinsically advisable, the mere difficulty of assigning it is not a sufficient reason for doing without it; and, indeed, it is but seldom that a dividing line can be drawn in any matter without the immediate adjacencies bearing a strong resemblance to each other. Here, too, we have a line existing, with this strong recommendation—that it is not a line which has been drawn, but one which (if we may be permitted the confusion of metaphors) has *grown up*. It is said also that the present division of the profession into two classes works a hardship upon young men, who cannot at once decide for which branch they are best adapted. We cannot acquiesce in this. The functions of the two branches are admittedly distinct, and this being so, justice to the public demands that none should be able to transfer himself from one branch to the other without undergoing the proper training.

But it is said that as a fact the system which has grown up is *not* convenient. The mere fact, again, that other nations manage to live and litigate without such admissions, is not even a *prima facie* objection, until it is shown that they are on that account better off than we. It appears to us that, regarded in the light of the division of labour, the system is very convenient. The division of labour, like everything else, may be carried to an excess, but the advocate who professes the theory of law, and the lawyer who stands between him and the client, and transacts the practical and formal business required by the law, seem to us persons whose functions are much better discharged by separate individuals. It is said that if the amalgamation were effected, we should have this provided for by the universal formation of firms consisting of an advocate, one common law man, one chancery man, and so forth; but if so great a demolition is to be made only in order that what was once done by law may be carried out in a sort of *cy pres* manner by this

process, we really think the pick-axe had better not begin its work at all. At present, any one or two solicitors, by retaining counsel when necessary, can practise, under their own sole control and responsibility; and there is far more free trade for solicitors than there would be under such a system of partnerships. Again, we cannot think that the change would improve, either in point of quality or celerity, the advocacy or the advice for which clients come to lawyers. We believe that the man who has personally seen or heard the client's case is not as a rule in a position to give the soundest advice. The client asks, what will the court or jury think of this? and solicitors will bear us out when we say that it is much harder than people suppose, to dismiss from the deliberating a quantity of things, shades, and tones, of which you become sensible, or which the clients will place before you, but which would be disregarded, or would never even make their appearance in court. It is here, we believe, for a lawyer to say how the court will view a case in which he himself is litigant, than to pronounce upon a case from the instructions drawn up by a competent attorney. It is one thing to pick out all that is material, but it is another to get rid of the impression which the rest may have produced on your mind. And if the functions of the counsel and the attorney are such as are best discharged by different individuals, *ergo*, no time is wasted by their being kept apart. English law is more complicated than it need be, but if simplified to the utmost, social and commercial intricacies would still require it to be complicated; and this being so, no reasonable being could expect to have legal opinions considered and delivered in the time which a physician takes to ask a question, feel a pulse, and write a prescription.

It is no doubt important that the barrister and the solicitor should each be able to appreciate the other's work. Under the existing division, we think that they do, and the practice which is largely on the increase, among both solicitor and bar students, of studying for a certain time the practice of *both* branches, will promote this for the future. No doubt there are changes which might be made to great advantage, for instance, as to the computation of solicitors' costs, and the payment of conveyancing; but in order to deal with these matters it is not necessary to overhaul the whole fabric.—*Solicitors' Journal*.

The shortest will extant is possibly that of Lord Wensleydale, which was proved on the 8th ultimo. It runs thus:—"This is the last will of me, James, Lord Wensleydale. I give all my property, real and personal, and all I have in the world, and that I have the power to dispose of, to my beloved wife Cecilia, her heirs and executors, absolutely. This 25th day of November, A. D. 1863. WENSLEYDALE." The estate was sworn under £120,000.—*South London Press*