

their number as clients from whom to draw the sustaining fee, for even genius requires some sustenance; and if all become lawyers, what are we to do for clients? Yes, young friends, whilst we acknowledge your learning and acumen and your fitness for judicial preferment, we must remind you that unfortunately the country is already overcrowded with men just as clever and pushing as yourselves who are now vainly struggling for the wherewithal to pay even their yearly fees to the Society, to say nothing of that which is necessary to sustain life even on the most economical basis.

APPEALS IN MATTERS OF PRACTICE.

The proposal made by the English judges to prohibit appeals from Divisional Courts on questions of practice and procedure is a far-reaching and, we think, an undesirable proposal. A glance at only the last number of the Law Reports is sufficient to show the very doubtful propriety of this step.

But for the Court of Appeal's decision in *Witted v. Galbraith*, (1893) 1 Q.B. 577, a Divisional Court would have opened the door to a most palpable abuse of the provisions of the Rule from which our Con. Rule 271 (g) is derived; and a plaintiff by adding a bogus defendant within the jurisdiction might, in almost any case, have made that a ground for adding as defendants parties residing without the jurisdiction. But for the decision of the Court of Appeal in *Holmes v. Millage*, (1893) 1 Q.B. 551, a Divisional Court would have established that all a debtor's future earnings might be waylaid by the appointment of a receiver at the suit of his creditor, and the debtor and his family practically deprived of all means of support.

These are only two instances out of one number of the Law Reports; if need be, hundreds of cases could be cited to illustrate the folly of the scheme. The fact is that questions of practice very often involve very important questions of right, and it would be unfortunate if a Divisional Court should be the final court for determining all such questions without distinction. At the same time, a wise selection of cases in which appeals should be allowed in questions of practice and procedure is clearly needed.