

CORRESPONDENCE—FLOTSAM AND JETSAM.

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Rights and Wrongs of the Profession.
To the Editor of the LAW JOURNAL.

SIR,—Like the old woman who had so many children that she did not know what to do—there is an enterprising firm of young lawyers in this town who have more students than clients, consequently they are not unfrequently driven to despair.

Knowing that a brother professional, also practising in Barrie, had received an application from a client for a loan, the aforesaid "E. F. of Y. L." in order to bring grist to the mill, and thereby encourage a spirit of industry amongst their clerks, (which of course was very enterprising) caused to be written to the brother professional's client the following letter, which, after having been corrected, revised, and signed by one of the members of the aforesaid "E. F. of Y. L.," was deposited in Her Majesty's post office, and in due course received by the client:

"BARRIE, Nov. 10th, 1882.

"_____, Esq., Vine, P.O.

"DEAR SIR,—Should you or any of your neighbours require or wish to borrow money upon mortgage security we are prepared to loan you the same at seven per cent. per annum,

"Yours truly, _____."

Comment upon this questionable letter is quite unnecessary.

Talking of unlicensed conveyancers, I understand that our post-master, who does all the conveyancing in this place, has just negotiated for the purchase (for cash too!) of a complete set of Upper Canada Reports from one of the unfortunate but respectable members of the bar who has had to succumb to the evils of cheap conveyancing. It is needless to say that even a more thriving and learned trade than before will now be carried on. The new advertisement will appear next week I presume.

Yours, etc.,

AN OLD SUBSCRIBER.

Barrie, Nov. 23, 1882.

FLOTSAM AND JETSAM.

By the appointment of a "justice of the High Court" to succeed Vice-Chancellor Hall, Vice-Chancellor Bacon becomes the last of the Vice-Chancellors. The learned judge will be eighty-five years of age next February. He was called to the Bar fifty-five years ago, and has been on the bench fourteen years—a year less than the minimum service ordinarily allotted to judges.

The nomination of Mr. John Pearson, Q.C., to the judgeship of the Chancery Division, vacant by the resignation of Vice-Chancellor Hall, will meet with general approval. The Vice-Chancellor who now resigns made his reputation as a real property lawyer; his successor first became known as an equity draftsman—a subject having a closer bearing on the duties of a judge. Unless Mr. Pearson disappoints expectation, he will be a dignified and courteous, but firm judge—not so quick as to be hasty—and not so slow or discursive as to be unbusinesslike. He has been engaged in all the cases of importance in Mr. Justice Fry's Court and elsewhere, notably in *The United Telephone Company v. Harrison* decided last May. The confidence with which the opinion of Mr. Pearson has inspired solicitors while he was at the Bar may be transferred to the public when he is on the bench.

The arrest of Delany by M'Donnell, although probably only just in time to save Mr. Justice Lawson's life, was a little too soon in the interests of criminal justice. Apart from any charge of unlawfully carrying arms, it is a very nice question what criminal offence, if any, was committed. There was no "attempt to discharge arms with intent to murder," because the prisoner is not shown to have pointed the revolver or had his finger on the trigger; and, even if he had done so, but was prevented from pulling the trigger, the statutory offence would not, according to the ruling of Baron Parke in *Regina v. St. George*, have been committed. He was not guilty of "an assault with intent to commit a felony," because, although it is an assault to point a loaded pistol within range, it is no assault merely to put the hand on the butt of a pistol, even while in a threatening attitude. It may, however, be that a common law misdemeanour, punishable with imprisonment, was consummated. There is authority for saying that an intention to commit a felony, evidenced by an overt act, is itself a misdemeanour. Dogging the footsteps of an intended victim, and confronting him with a hand on a loaded pistol, may, in the opinion of a jury, be overt acts evidencing such intention. If not, being in possession of weapons with intent to commit murder, as evidenced by some overt act, would seem to require to be added to the criminal law of the country.—*Law Journal*.