THE

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CURRENT TOPICS.

The necessity, if necessity there be, of bringing back the Circuit Court to the Court House, in Montreal, is much to be regretted, for the result will be that the access to all the other courts and offices will be greatly obstructed. The elevators are already insufficient for the work they have to do, and if they are used by the immense concourse of people attending continuous sessions of the Circuit Court in two divisions, it is difficult to imagine how any one else is to profit by them. The work of the Circuit Court in Montreal is important enough to have a building devoted to its exclusive use, and in any case it is undesirable that there should be but one access for the very large number of persons who are daily compelled to attend the civil courts. The late Chief Justice Johnson several times complained openly of the unceremonious manner in which the judges were hustled by the crowd, on their way to chambers. This particular inconvenience is not likely to diminish in the future, but it is sufficient at present to point out the much greater inconvenience that will be caused by the difficulty and loss of time in reaching the library and courts on the upper floors.

A correspondent, in reference to the paragraph on p. 354, about business in the Court of Appeal, points out that the Act, 54 Vict., ch. 48, s. 2, makes it obligatory on the clerk of the court to put the case on the roll, without waiting for a factum. Art. 1132 in the new Chapter 1 of Book IV, of the second part of the Code, as enacted by the above mentioned Act, reads as follows:—"As soon as the parties have filed their appearance, or after the delay to file the same has expired if only one party has appeared, the case is set down upon the roll by the clerk of appeals, *and is heard in its turn.*" This, apparently, prevents the exclusion from the printed list, of cases in which no factum has been filed, as was the practice formerly. The change is to be regretted, as it is obviously in the interest of the bar that the printed list should convey some idea of the cases that are likely to come on from day to day. At present the list is practically useless, and the result is that counsel who have cases to attend to in several courts are frequently taken by surprise when a case a long way down on the printed list is called in their absence.

The proposition to admit graduates of law faculties to practice on the presentation of their diplomas is not one which commends itself under the circumstances existing in this province. If the profession were divided as it is in England the change would perhaps not be so dangerous if it applied to barristers only. Incompetent barristers would not get anything to do, because the attorneys on whom they would be dependent for briefs would be able to discern their uselessness. But as regards the profession of attorneys it cannot be pretended that there should be any relaxation of the checks upon admission. The public, a large proportion of whom are unable to detect ignorance in their legal advisers, need to be protected against incompetence which may have disastrous conse-

quences, and the best safeguard is the examination held by the duly authorized representatives of the whole profession.

The death of the premier and minister of justice of Canada, on the 12th instant, has been the occasion of such general comment that it is not proposed at present to refer particularly to the unexpected event. We shall merely reproduce the observations made by Acting Chief Justice Tait on the 13th December, at the opening of the December Term of the Court of Review :—

"Yesterday the citizens of this city and country were greatly shocked by the report of the sudden death of Sir John Thompson, K.C.M.G., premier, minister of justice and attorney-general of this Dominion. The confirmation of this report imposes upon us the sad duty of expressing our sincere grief at the loss of one of Canada's most distinguished sons. He had attained great eminence as a lawyer and a statesman in his native province, when at the early age of thirty-eight he ascended the Bench of the Supreme Court of that province. As might have been expected, his career upon the Bench was a brilliant one, and in the discharge of the duties of the important positions which he afterwards filled he displayed talents of the highest order.

"Within the sphere of his functions fell, to a very large extent, the superintendence of affairs connected with the administration of justice and the preparation of important legislation, and we think all will unite in according him a high place in the roll of our most eminent jurists.

"His death, at the early age of fifty, just after receiving further marks of honor and confidence from his Sovereign, is particularly sad.

"While we deplore his loss on our own account, our hearts will go out in sympathy to his much bereaved family. We propose as a mark of respect to his memory, and in recognition of the valuable services he has rendered to his country, to close our courts, except for matters of urgency, on the day which may be fixed for his interment. At the present moment there are so many divisions of the court sitting, and so many witnesses in attendance, that great loss and inconvenience would result to suitors were we to adjourn for a day.

"In thus performing our duty to the living, we are satisfied that we are carrying out what would be his desire, and are but following the example of one who was always faithful in the discharge of his duties."

Political exigencies, according to the *London World*, are not unknown even in the greater world of imperial concerns as affecting judicial appointments. The journal

mentioned says :—" Mr. Justice Barnes is in such a state of health that there is no chance of his being able to resume his duties, but his retirement is being deferred (to the great inconvenience of his colleagues) because Mr. Gully has Lord Herschell's positive promise of the next vacancy on the Bench. It is known, however, that if Mr. Gully vacates Carlisle the Unionists will win the seat, so it is proposed to postpone the retirement of Mr. Justice Barnes until Parliament is dissolved. So equivocal an arrangement requires no comment of mine."

The Supreme Court of Illinois, in *People* v. *Williams*, 145 Ill. 573, has decided that a mandamus should be granted to compel a person who has been appointed to a municipal office, and who is qualified for the same, but refuses it, to accept it and enter upon the discharge of its duties, although a statute is at the time in force imposing a penalty for non-acceptance.

The late Norman L. Freeman was for 31 years reporter to the Supreme Court of Illinois, in which time he reported and published 120 volumes of the decisions of that court. Mr. Freeman was a very careful reporter, but his head notes are considerably longer than those prepared by the majority of reporters.

An extremely useful little book has just been issued from the press (Canadian Appeals, Toronto, The Carswell Co., Publishers), prepared by Mr. C. H. Masters, assistant reporter of the Supreme Court of Canada It is a collection of Canadian cases appealed to the Judicial Committee of the Privy Council, and also the reported cases carried to the Supreme Court of Canada. We have often wished to have such an index at hand, but have never been able to find time to make it ourselves. Mr. Masters deserves cre-

dit for undertaking so useful a compilation. The only cause of regret is that he has not included in his list all the cases taken to the Supreme Court of Canada, whether previously reported or not, and in the event of a new edition being called for we trust this useful extension of the list will be made.

LA LÉGENDE DE MGR. SAINT YVES, PATRON DES AVOCATS.

La fête du saint patron du barreau se célèbre le 19 mai. Le monde du Palais nous saura gré de rappeler les circonstances qui lui valurent cette haute distinction.

En ce temps-là, le Bâtonnier des avocats d'un barreau de Bretagne, l'histoire ne dit pas si c'était celui de Dol ou de Guimperlé, de Rennes ou de Guérande, assembla son conseil de l'Ordre et dit: "Toute jurande, mes très-chers confrères, a son patron là haut, et son histoire aux célestes archives. Notre confrérie vaut bien, je suppose, celles des tailleurs de pierre et des tailleurs d'habits, celles des ajusteurs de charpentes et des cuiseurs de pain, et malgré cela, elle n'a pas de saint qui prenne ses intérêts et la patronne auprès du Seigneur; ce qui fait dire aux méchantes langues que jamais un des nôtres ne fut trouvé digne d'entrer en paradis. Or, je vous propose d'envoyer quelqu'un en ambassade vers le bon Dieu, pour obtenir de Lui qu'il nous accorde un patron. J'espère qu'il trouvera parmi ses élus, quelqu'avocat, homme de bien, et qui, sa vie durant, se garda de plaider les mauvais procès. Si mon idée vous agrée, nous choisirons l'un des nôtres, bon logicien, bon orateur, pas trop bavard, mais pas homme politique, beau parleur toutefois, et que son honnêteté laisse en bon termes avec Dieu, la Vierge, et toute la cour céleste."

Ayant ainsi parlé, le vieux bâtonnier s'assit. Chaque avocat opina à la manière d'alors et qui était, si je ne m'abuse, de soulever discrètement son bonnet de la main droite.

"Puisque nous sommes tous d'accord, continua l'orateur, il nous faut faire choix d'un ambassadeur digne et capable. Pour moi, ma goutte m'interdit un voyage aussi long, mais je propose à vos suffrages Maître Yves de Kermartin, habile homme et homme honnête."

L'assemblée, unanimement, ratifia ce choix, et la séance étant levée, les avocats rentrèrent en leurs demeures, non sans avoir embrassé leur confrère,lui souhaitant bonne route et heureux succès.

Dès le lendemain, à l'aube, Yves quitta son manoir. Tout en cheminant, il ruminait un long plaidoyer. Au soir du troisième jour, il arriva à l'entrée du paradis. Il faut vous dire que la Bretagne en est moins loin que les autres pays. Il frappa trois coups, et Saint Pierre apercevant par la porte entrebaillée le volumineux dossier que le pelerin avait sous le bras, ne fut pas sans s'émouvoir, et crut prudent de lui demander ses noms et qualités.

" Je m'appelle Yves de Kermartin, répartit le voyageur, je suis breton et gentilhomme.

—Breton et gentilhomme, c'est bien, répartit le céleste portier, mais que faites-vous sur terre ?

—Je suis avocat.

—Avocat ? Quel titre est-ce là, vraiment ? Voilà un métier qu'on ne connaît guère dans le divin royaume !

Saint Pierre, tout en parlant, essayait de repousser Yves. Je n'ose dire que ce dernier ne le bouscula pas un peu ; toujours est-il que le Breton pénétra dans le ciel et s'en alla à travers les salles lumineuses, cherchant le trône, environné de séraphins où l'Eternel est assis.

Les élus, voyant son costume étrange qu'ils ne connaissaient pas encore, fuyaient devant le pauvre ambassadeur et couraient, criant à Dieu qu'un saint de contrebande s'était introduit dans le ciel. Yves les suivit et se prosternant par trois fois la face dans la poussière devant le Très-Haut, il dit : Seigneur, avant de les croire, je vous supplie par grâce, d'entendre ma requête. Et sortant son plaidoyer de sa serviette d'audience, il le débita tout au long. Le Grand Juge ne s'en ennuya point, l'écouta avec attention et même en admira l'éloquence.

Il manda Saint Luc l'Evangéliste, qui, comme chacun sait, est gardien des archives du Saint palais, et il lui ordonna de les fouiller sur l'heure, et de rechercher, si dans les régistres, il ne trouverait pas le nom de quelqu'avocat.

Saint Luc revint : ses recherches avaient été vaines.

Yves rougissait et commençait à perdre contenance. Alors Dieu lui dit : " Maître Yves, tu le vois, nous ne pouvons te donner pour patron des avocats un Saint qui plaida dans sa vie. Mais pour te prouver que je désire te renvoyer content, va, les yeux

bandés, à travers la galerie où tous mes saints ont leurs statues; celui de mes élus sur qui tu poseras la main, je te l'alloue comme patron de ta confrérie. Bon ou mauvais, tu le prendras."

Sur l'ordre de Dieu, l'honnête Tréconois se noue sur les yeux un épais bandeau et va, les bras en avant, pas à pas, s'évertuant à déviner quelle statue il doit toucher.

Enfin, il s'arrête, hésitant, et promène sa main sur une tête; " front chauve et déprimé, dit-il, lèvre moqueuse, cela doit être un procureur, si même ce n'est pas un président ou un juge. Ma foi, faute de mieux, je le prends pour patron des avocats."

Aussitôt un immense éclat de rire parcourut les rangs des élus, qui tous, étaient venus en curieux assister au choix d'Yves de Kermartin.

Celui-ci pressé de faire connaissance avec son patron, arrache le bandeau de ses yeux, regarde, et pousse un cri d'effroi. C'était bien pis qu'un président, c'était bien pis qu'un juge, c'était bien pis même qu'un procureur, c'était..... messire Satanas ! ! ! Vous vous demandez peut-être comment sa diabolique seigneurie se trouvait là? C'est qu'au ciel, comme sur terre, le Grand St. Michel est représenté dans ses statues, terrassant le diable, et lui rognant les griffes de son glaive d'or.

Le Breton avait pris le diable pour l'ange ! !

— ' Ah mon pauvre maître, lui dit Dieu, voici que le hasard te joue un bien vilain tour."

Mais comme je ne veux pas d'un tel patron, surtout pour le Barreau de Bretagne, dès à présent je t'enrôle dans la troupe de mes élus, et les avocats n'auront plus à chercher un saint qui les patronne."

Or, ce fut, dit-on, à cet instant même que le gentilhomme breton mourut en la ville de Tréguier, le dix-neuvième jour du mois de mai, treize cent trois, et voilà comment, dans sa foi naïve, la légende raconte que Mgr. Saint Yves, le glorieux ami de Dieu, devint patron des avocats. (La France Judiciaire.)—See page 77, *ante*, for reference to Sanctus Ivus' hymn, *advocatus sed non latro*.

COPYRIGHT IN SERMONS.

The Rev. Joseph Parker writes complaining of the theft committed by newspaper reporters in reporting sermons, and he winds up his letter by saying that he wants to know "whether a preacher can legally protect his sermons; or, failing this, whether the moral sentiment of the public cannot be roused to resent a piracy which is made the more infamous by working under the plea of pious interest in the spread of religion." With the latter part of his question we need not deal, beyond saying that we quite agree that there ought to be protection for sermons just as much as for any other productions of men's brains. The question we wish to consider is, Can a preacher legally protect his sermons from reproduction in a paper or other publication? The point has been recently remarked on in the case of *Caird* v. *Sime*, 57 Law J. Rep. P. C. 2; L. R. 12 App. Cas. 326. Mr. Scrutton's 'Law of Copyright,' 2nd edit. p. 65, lays down that at common law the author of any literary composition has the right to prevent its publication until he himself has made it public; and the right will not be destroyed by the fact that the author communicates such a composition to a limited number of persons under express or implied conditions restraining them from publishing it themselves. A preacher, therefore, as a lecturer, will, until he has published his composition, be entitled at common law to prevent publication of it by others. In *Caird* v. *Sime* it was held that a professor of a university who delivers orally in his class-room lectures which are his own literary composition does not communicate such lectures to the whole world so as to entitle anyone to republish them without the permission of the author. Professor Caird, of the University of Glasgow, delivered lectures in his class-room, as part of his ordinary course, to students of the university, who were admitted on payment of the prescribed fees. And it was held that such delivery of the lectures was not equivalent to a communication of them to the public at large, and that Professor Caird was entitled to restrain other persons from publishing them. But in thus deciding Lord Chancellor Halsbury expressly distinguished the case of sermons: "It is intelligible," he says, "that when a person speaks a speech to which all the world is invited, either expressly or impliedly, to listen, or preaches a sermon in a church, the doors of which are thrown open to all mankind, the mode and manner of

publication negative, as it appears to me, any limitation." Mr. Copinger, in the 'Law of Copyright,' 3rd edit. p. 59, states that under the Act 5 & 6 Wm. IV. c. 65, which specially protects lectures, except those delivered in any university or public school or college, or on any public foundation, or by any individual in virtue of, or according to, any gift, endowment, or foundation, it would appear that sermons preached by clergymen of the Church of England in endowed places of public worship are deemed public property. The Act in question does not in any way alter the law as to sermons in general, which must be dealt with under the common law. In accordance, then, with Lord Halsbury's statement, it seems that a sermon preached in a parish church, or in any clerical building to which the public are admitted freely, is thereby published, and the author can no longer restrain publication of it. But if the church is fenced round with restrictions and the public are not admitted freely, but only on condition that they undertake not to republish what they hear, and if express notice is given to this effect to every person entering, it seems to us possible that in this case a right of protection might still be retained. The point is, of course, a difficult one. In the old case of *Abernethy* v. *Hutchinson*, 3 Law J. Rep. (o. s.) Chanc. 209, 217, Lord Chancellor Eldon says: "I should be very sorry if I thought that anything which had fallen from me would be considered to go to the length of this—that persons who attend lectures or sermons and take notes are to be at liberty to carry into print those notes for their own or others' profit. I have very little difficulty on that point. But that doctrine must apply either to contract or breach of trust." Mr. Parker's only remedy, therefore, till the law is altered seems to be to make a contract with his audience that they will not republish his sermons. We should be very glad to see a decision of the law on the important point he raises, and invite him, as a public-spirited man, to assist, by bringing an action, towards an elucidation of it.—*Law Journal* (*London.*)

THE TRUE PROFESSIONAL IDEAL.

[Concluded from p. 368]

Mr. Field had lofty professional ideals of the lawyer's duty towards the law. Love of the pecuniary gains of his calling, though he was not insensible to them, was yet ever subordinate

in his regard to those public labors which he felt that he owed to his profession and the law. Although in active practice in a great metropolitan centre for over sixty years, he accumulated no more than some contemporary men at the English bar, and perhaps some in the same city, have done in less than a tenth of the same period. But it may be said that he was ambitious, that his ambition was boundless, and that this was his incentive Be it so. So, doubtless, it was. Exercised for worthy ends, this, so far from being the last infirmity, is the highest quality of noble minds. Nor had official place, either for the conspicuousness which attracted and was flattered by the public gaze, or for the power which men of lower aims who live only in the present, love to wield, any controlling charms for him. His eye was lifted higher and was fixed chiefly on the generations who should come after him. Of the present, he regarded himself, if I may phrase it, as a tenant for life, but with a reversion in fee in the limitless future. Cheerful in the prolonged autumn of his days, he had for nearly a generation before his death, seen the "leaves fall over the roots of the tree of life," but this as he looked above and beyond only gave to his vision a freer and more unobstructed view. With great felicity of expression, Sir Walter Scott makes Kemble, on finally leaving the Edinburgh stage, say he hoped to enjoy

> Some space between the theatre and the grave;
> That like the Roman in the Capitol,
> I may adjust my mantle ere I fall.

Such, too, was Mr. Field's hope, doomed however to disappointment. On his return from Europe, only three or four days before he passed beyond the range of our mortal vision, he is reported to have said, in answer to the question what he intended to do, that he expected to spend the coming summer in the Berkshires at work on his autobiography, and that his one great ambition was to have his codes adopted all over the English-speaking world. All old men live largely in the past, and to this Mr. Field, who had crossed the Delectable Mountains and was already in the country of Beulah, was no exception. It was natural that he should love to survey, in the serene evenings of his days, the toils and labors which had marked his active life and the successes with which these had been rewarded. But only men of the higher type can turn, as turn he did, to the future, see it

spread itself out before their enraptured gaze, feel themselves fanned by its intoxicating breezes, behold its sunlit heights glorified and beautiful, and proudly feel that it, too, is their inheritance.

With this let us contrast the life and professional career of an eminent English contemporary of Mr. Field's earlier life,—I refer to Sir William Follett, who in his day was as distinctly the leader of the bar as was Lord Erskine in his. The picture has been drawn by Sir William's own friend, the accomplished Talfourd, who in his "Vacation Rambles," tells us that there was brought to him in 1846, when on his journey through Italy, the usual register of visitors, and that, turning over its pages, he was startled by the name of Sir William Follett written in tremulous characters just before his death, which had occurred but a short time before Talfourd saw his signature. After reviewing Follett's professional career, usually pronounced so brilliant, Talfourd mournfully inquired, "What remains?" and he answered, "A name dear to the affections of a few friends; a waning image of a modest and earnest speaker, though decidedly the head of the common law bar; and the splendid example of success embodied in a fortune of £200,000 acquired in ten years, the labors of which hastened the extinction of his life; these," he added, "these are all the world possesses of Sir William Follett. To mankind, to his country, to his profession, he left nothing; not a measure conceived, not a danger averted, not a principle vindicated, not a speech intrinsically worth preservation, not a striking image, nor an affecting sentiment; in his death the power of mortality is supreme. How strange—how sadly strange—that a course so splendid should end in darkness so obscure."

Follett did not discharge the debt he owed to the profession, and, therefore, did not answer to the completest professional ideal of the lawyer. Mr. Field not only paid the debt due to his profession, but overpaid it and thus became its creditor, and in this answered more fully than lawyers like Follett the highest professional ideal.

In the report on legal education before mentioned, it appears that there are over fifty law schools in the United States, having a membership of more than six thousand students—the committee not having the means of ascertaining the number of students who were pursuing their studies in private offices outside of the law

schools. I fully concur in the following observations of the committee. Their soundness will not be questioned, I think, by any one who hears me:—

"The mind of the lawyer is the essential part of the machinery of justice; no progress or reform can be made until the lawyers are ready. Their influence at the bar, on the bench, and in legislation is practically omnipotent."

The following observation seems to me to be specially weighty and important:—

"The progress of the law means the progress of the lawyer, not of a few talented men who are on the outposts of legal thought, but the great army of the commonplace who contribute the majority of every occupation. What the lawyers do not understand or what they pronounce visionary or impracticable will not be accepted by the legislatures or courts of the country."

It is no part of my purpose to offer any views upon the methods of law instruction, much less upon the different or competing methods. Doubtless the method of teaching law or how it can best be taught is an important subject, but it is not all-important. It is wise to discuss and consider it, but it would not be wise to let it engross our whole or even chief attention. What Pope said of forms of government may, I think, be said with much more justness of methods of teaching—"that which is best administered is best." The man whom nature designed to be a teacher of law will, despite all theories, teach it after his own manner. He will impress his own personality upon his work. It is the man, not the method, that tells. The crucial test is whether the teacher can inspire a living interest in the student and get from him the best work that in him lies; for, after all, the student must himself do the work and the thinking which shall accomplish him in the learning and mystery of his profession. Vastly more important, therefore, than the methods of teaching is the course of instruction or the branches to be taught. This general subject is very fully and, I need not say, ably discussed in the report of the committee on Legal Education, of this association, submitted in 1892. After reviewing the course of instruction in the law schools of this country (and it is substantially the same in all of them), the committee says:—

"It is evident that the course of study, with a very few exceptions, is confined to the branches of practical private law which

a student finds of use in the first five years of his practice. It is a technical or philosophic view of the law which is taught. It may be said of all our law schools that the instruction is too technical. It is not elementary enough. The view of the law presented to the student is technical, rather than scientific or philosophical."

What is meant by the course of instruction being confined to private law which the student will find of use in earlier years of his practice, may be illustrated by the course of instruction in what is justly regarded as one of the very foremost law schools of this country, that of Harvard University. I select it for illustration because of the deserved eminence of the school, and because it covers all of the studies embraced in a three years term.

The following synopsis I assume to be correct, being taken from the above mentioned report of the committee on Legal Education :—

"Law School of Harvard University, Cambridge, Mass., nine instructors, 363 students, 44 graduates, 36 weeks in school year.

"Course of study: First year.—Contracts, 108 hours; Criminal Law and Procedure, 72 hours; Property, 72 hours; Torts, 72 hours; Civil Procedure, at Common Law, 36 hours. Books used.—Langdell's Cases on Contracts; Chapin's Cases on Criminal Law; Gray's Cases on Property, Vols. 1 and 2; Ames's Cases on Torts; Ames's Cases on Pleading.

Second year.—Agency, 72 hours; Bills of Exchange and Promissory Notes, 72 hours; Law of Carriers, 72 hours; Contracts, 72 hours; Evidence, 72 hours; Jurisdiction and Procedure in Equity, 72 hours: Property, 72 hours; Sales of Personal Property, 72 hours; Trusts, 72 hours. Books used.—Ames's Cases on Bills and Notes; Keener's Cases on Quasi-Contracts; Langdell's Cases in Equity Pleading; Gray's Cases in Property, Vols. 3 and 4; Langdell's Cases on Sales; Ames's Cases on Trusts.

"Third year.—Constitutional Law, 72 hours; Corporations, 72 hours; Jurisdiction and Procedure in Equity, 72 hours; Partnership, 72 hours; Property, 72 hours; Surety and Mortgage, 72 hours. Books used: Ames's Cases on Partnership; Gray's Cases on Property, Vols. 5 and 6.

"Extra courses.—Patent Law, 10 lectures; Peculiarities of Massachusetts Law and Practice, 2 hours a week.

"Admission and Methods of Instruction.—Applicants for admission not graduates of a college are examined in Latin (Cæsar, Cicero), Blackstone's Commentaries. Every student who has been in the school one year or more has an opportunity each year of arguing in a case before one of the professors in a moot court."

The subjects taught and the books used show more clearly than any general description the intensely technical and practical character of the course of instruction. This may stand, I think, as the general model or even highest type of legal instruction in this country.

I agree in the main with the spirit of the committee's criticism which I have above quoted, but I would phrase my own views in somewhat different language. I insist, for I believe it to be true, that the stereotyped course of legal instruction in this country is defective, not so much for what it contains as for what it omits. It is defective in that no adequate provision is made for specific instruction in historical and comparative jurisprudence, and in the literature, science and philosophy of the law—in what may, perhaps, be compendiously expressed as general jurisprudence. If this is what the committee means by the expression that the course of instruction is too technical, I agree with it. But it is to be remembered that it is of the essence of our legal systems that they are in their historical development and nature, technical, and so far as they are so, instruction, to be adequate and thorough, must itself be technical, and in an important sense it is not predicable of it that it is too technical. Having in view the circumstances which surround the subject of legal education in this country, I approve the wisdom of the general course of instruction in our law schools, so far as it gives chief attention to the usual and enumerated branches of practical private law. But I still insist that it is defective in the want of adequate provision for instruction in the history and the literature of the law and in what I call, for short, "general jurisprudence."

Great lawyers, like Coke and Blackstone and Eldon, may be made by the current methods; but the growth of greater lawyers like Hale, Bacon and Mansfield, who in their day wisely amended and improved the law, and who represent the higher professional ideals, is not adequately promoted or encouraged by the existing course of methods of law instruction in the law schools of this country.

I fully realize that to set up an impracticable standard defeats the object sought. Nevertheless, I insist that it is entirely practicable for our law schools to enlarge and liberalize the scope of their instruction by requiring at least one hundred hours of the course to be given specifically to the subjects which I have above ventured to indicate as essential to any well-ordered course of instruction that makes any just claim to being adequate or complete.

And this view it is the sole practical point of this paper to urge and enforce, to the end that the generations of lawyers who shall come after us may be adorned more abundantly than else had been with examples of the highest and truest professional ideals.

And to this end, moreover, I should be glad to see the members of the section on legal education take the initiative by recommending the American Bar Association to adopt a resolution, in substance, that in its judgment adequate instruction in historical, comparative and general jurisprudence is an essential part of a thorough course of legal educatiou, and, accordingly, that it recommends to all of the law schools of the country that such instruction should be made a distinct and specific branch of the course of required study therein.

GENERAL NOTES.

QUEEN'S COUNSEL.—In 1775, the year in which the 'Law List' was published for the first time, the number of King's Counsel did not exceed fourteen; the list of Queen's Counsel in the current volume of that interesting publication consists of 212 names. The first Q. C.—to use the more familiar letters as to one who was really a K. C.—was Sir Francis Bacon, who obtained from James I., after much solicitation, the patent which provided his memory with a special claim to the esteem of the leaders of the Bar. The duties which the great philosopher performed by virtue of his appointment are not apparent, but it is clear that he enjoyed an annuity of 40*l.* for the remainder of his life. The position of Q. C.'s was of considerable value while serjeants-at-law were practising, because they enjoyed audience in the Courts, on the assumption that the business in which they were engaged was that of the Crown—an assumption which is responsible for the well-known priority of Q. C.'s in moving in the Chancery

Courts. Another thing which distinguished a Queen's Counsel from a Serjeant was the black patch on the wig of the latter. Upon this difference hangs one of the best anecdotes in Serjeant Robinson's volume of reminiscences. Sir Henry Keating, Q. C., and Serjeant Allen, while walking to their lodgings from the Assize Court at Stafford, were followed by two working men who had witnessed their forensic combat before the rising of the Court. 'If you were in trouble, Bill,' said one man to the other, 'which of these two tip-top 'uns would you have to defend you?' 'Well, Tim,' was the reply, 'I should pitch upon this one,' pointing to the Q. C. 'Then you'd be a fool,' said his companion; 'the fellow with the sore head is worth six of t'other one.'—*London Globe.*

IRISH WITNESSES.—Mr. Le Fanu, in his book of recollections, tells some amusing tales of the conduct of Irish peasants in the witness-box. A bullying counsel named Freeman was completely put out in his cross-examination by a very simple answer. A countryman who was a witness was asked, 'So you had a pistol?' 'I had, sir.' 'Whom did you intend to shoot with it?' 'I wasn't intending to shoot no one.' 'Then was it for nothing that you got it?' 'No—it wasn't.' 'Come, come, sir—on the virtue of your solemn oath, what did you get that pistol for?' 'On the virtue of my solemn oath, I got it for three and nine-pence in Mr. Richardson's shop.' At another time the same counsel said to a witness, 'You're a nice fellow, ain't you?' Witness replied, 'I am, sir; and, if I was not on my oath, I'd say the same of you.'—*Law Journal.*

ELECTRIC WIRES.—The liability of electric light companies for dangerous wires has been decided in two Massachusetts cases. In one of them,—*Illingsworth* v. *Boston Electric Light Co.*, 25 L. R. A. 552,—the company was held responsible for injury to the employee of another company which had a joint use of the frame for the wires, if they were negligently left in bad condition. In the other case of *Hector* v. *Boston Electric Light Company*, 25 L. R. A. 554, the company was held not liable to the employee of another company for the unsafe condition of its wires over the roof of a building, because of the allowance of a joint use by the other company of a standard for its wires on a different building, adjoining.

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