

"There are too many Lawyers: that's the fact. A couple of thousand Attorneys, and at least as many Barristers, could well be spared. Why should the truth be concealed? It is not an alarming one, but the contrary. It is full of hope, because it indicates the cause of many evils we now complain of, and at the same time suggests the cure—a cure which happily is already in active progress. Our numbers are decreasing. Good. Every unit subtracted adds to the prosperity of those who remain. Law is almost a fixed quantity. Its emoluments are not likely materially to fluctuate, save under such a fortunate accident as the railway mania ten years ago. It makes all the difference to the share of each whether the fund is to be divided among eight thousand or ten thousand. We are not informed at what ratio the diminution is proceeding, but there can be no question that it has begun and that it will go on with increasing rapidity."

An overstocked profession is referred to as a fertile cause of the greater proportion of malpractices that discredit it inasmuch as every man thinks he must live, and in the want of legitimate business for all, poor men who cannot contrive to live by creditable means contrive to live somehow—thus helping to foster the public prejudice against lawyers as a class. Bear in mind there is already an examination on admission in England.

Partly for its tendency to reduce the numbers to a due proportion to the work to be done and to prevent any but *fit men* being admitted to the profession is urged:—

"An educational test applied to the admission of practitioners in both branches of the Profession—meaning by that, not merely legal knowledge, but general knowledge; not alone the speciality that makes the Lawyer, but the acquirements essential to the gentleman. We want to see the Solicitors, one and all of them, vindicating the honourable title by which they are known to the law—that of *gentlemen*. We would rigorously exclude from the Profession every man who is not "a gentleman," whatever his other qualifications. By this we do not mean merely a gentleman by birth, a man who has ancestors, but a *gentleman by cultivation, in mind, manners and feelings*. A wide range of examination would go far to secure this, and thus still further promote the restriction of numbers which has become so necessary, not only to the well-being of all, but to the reputation and *status* of the Profession. Our enemies, we are aware, are very desirous of introducing among us the principle of competition. Open, they say, the gates of the Profession as widely as possible, encourage the Lawyers to a contest of cheapness; let A. offer to do the work for 20 per cent. less than B., then we shall have B. offering to work for 10 per cent. under A., and so there will be cheap law, by which the public will profit though the lawyers devour one another. But this favorable free-trade doctrine is not applicable to the market of intellect. One author does not seek fame by underselling another. We do not go to the cheap physician, or encourage the low-priced architect. It is the same with the law. Its value is not to be ascertained by putting it up to a Dutch auction, and bidding backwards until a purchaser is found. The prices are fixed, and the choice of the employer lies between degrees of ability. The only rivalry permissible is not of prices, but of skill."

Without referring, at this time, to the multifarious and incompatible duties of the Upper Canada "Lawyer" or pausing to notice the advantages that would accrue to the public and the profession if that meretricious union—the offices of counsel and attorney combined in the same person—was dis-

solved, and the distinction between the two branches of the profession sustained, the writer would invite attention to the law, as it now stands, respecting the admission of Attorneys to practice.

Although the same person *may* be a Barrister as well as an Attorney, it does not follow that every Attorney will become a Barrister; the offices are not *blended*—even the source from which each is accredited is not the same. Formerly there was scarcely an individual case in which the Attorney was not also a Barrister, but there is reason to believe that of late years several gentlemen have been admitted who do not aspire to a call to the bar; and many young men are now under articles solely with a view to admission as Attorneys. Legislation has also facilitated the admission of Attorneys from other countries to practice in our Courts, and we have lately been threatened with a one-sided measure of free trade in that way. It is not impossible that those who are starving for want of business in England, or who leave their country for their country's good, may be shortly upon us like a swarm of mosquitoes. These considerations create grounds for apprehending serious injury to the public and odium lighting on the profession, unless a barrier be erected to guard against the admission of any to the privileges of an attorney-at-law except men of honour and education, men trained to the law as a science, and conversant with our system of jurisprudence.

Existing laws afford no guarantee of fitness. A young man whose only qualification for entering on the study of the law, is ability to read and write, may be article to an Attorney;—spend five years copying and serving papers, or idly kicking his heels against the office desk, or in doing the dirty work of a disreputable practitioner. At the end of this time, armed with a certificate of service, he claims to be sworn in as an Attorney of Her Majesty's Courts, and is sworn in accordingly—he may know nothing whatever of professional duties, may in fact be grossly illiterate and deficient in every acquirement that would enable him to act with safety and advantage for a client, and yet the law entitles him, simply on proof of service under articles, to the certificate enabling the holder to undertake the most important duties of an Attorney—duties which if not performed with integrity and ability may bring ruin on the unfortunate client and his family. A man of this stamp will always "be guilty of the cruel, the scandalous misconduct of essaying to practice the law without the requisite amount of professional knowledge." Mark! he is put in possession of credentials that, as a *fit and proper person*, he has been admitted to a class possessing the extensive privilege of conducting the legal affairs of others for reward—is thus enabled to impose upon the unwary; and the discovery of