

ethics which will provide the lawyer with a specific rule to be followed in all the varied relations of his professional life. The very most that can be done is to state with as much particularity as possible and with a due regard to custom and tradition those general principles which experience has taught us must be observed if the profession is to maintain its high place in the social structure and adequately fulfil the important and responsible duties which fall to its lot. It must not be assumed that in these draft canons any attempt whatever has been made to exhaust the subject or to lay down rules of conduct which will be sufficient for all purposes and under all sets of circumstances. Many duties quite as important and equally imperative though not specified will arise in the course of almost every lawyer's practice. When a young practitioner is in doubt as to what course he ought to pursue under such circumstances his best plan is to ask the advice of some senior member of the profession.

At the threshold of the discussion of a code of ethics arises the question, under what sanction is it to be enforced? Is it if adopted to be a mere admonition to be obeyed or disregarded at the will of the individual member or is the offender to be subject to discipline, and if so by whom? Mr. Justice Mignault, who has kindly furnished me with the manuscript of two lectures delivered by him to the students of McGill, holds strongly to the view that any code to be of value must be binding. He argues that those who are deaf to moral suasion require something more persuasive than a mere exhortation to keep from sinning against professional good conduct. Mr. Justice Mignault's opinion derives additional weight from the fact that in the province of Quebec, where he practised, the Bar Councils have by statute plenary power to discipline their members for any conduct which is derogatory to the honor or dignity of the Bar.

In that province the by-laws of the General Council of the Bar constitute a binding code of professional ethics for breach of which or for professional misconduct not covered thereby a member may be disciplined or suspended from practice temporarily or permanently.

A code of ethics adopted by the Canadian Bar Association would of course have no binding effect upon the Law Societies of the several provinces.

As the law at present stands there are no agencies clothed with express authority to punish breaches of an ethical code, adopted for the whole Dominion. The incorporated Law Associations in the several provinces possess by statute certain control over their members but the disciplinary power of their Associations is by no means uniform. In this province the Benchers have power to disbar or suspend a barrister. They have power to resolve that a solicitor is unworthy to practice as such or that he should be suspended for a named period. The resolution is communicated to the Prothonotary whereupon an order of the Court is issued on praecipe suspending or striking the