

THE BENCHERS AND THE LAW SOCIETY.

these days of responsible government and elective rights, it is not in accordance with the analogy of other institutions, and with the spirit of the age, that the governed should have no voice in the selection of their governors. This argument, so far as it goes, may for the purposes of this enquiry be admitted to be founded on a reasonable basis. But to give it any weight it must also appear as an established fact, that the governed desire a change, which shall place the appointment of their governors directly in their hands. As we have endeavoured to shew, there cannot, as yet, be said to have been any such expression of opinion; the petitions being, so to speak, *ex parte*, and, as such, valueless for any purpose whatever. And it must be conceded, that if the profession have not expressed a desire for a change, they must be presumed to be satisfied with the present system, and content that the power heretofore exercised by the few shall so continue, and as perfection can never be obtained, it may be because out of the two evils, they thus choose the least.

On looking over the law list, and comparing the names of the present Benchers with those from whom a selection can be made, one is inevitably led to the conclusion, that nearly all those who are not past work from age or ill health would probably be elected under the new system. Some few who are not "popular," in the worst sense of the word, would be left out, though perhaps amongst the best men that could be had for the position, and their place would be supplied by men less competent, but more "popular," younger or more pushing, as the case might be.

If the same men, or an equally good class are elected, of course no harm would be done, except the harm of introducing a system which is attended with so much of evil, and in this case, without, so far as any arguments have as yet proved, any compensating advantages. But the fear is, that a lower class of men will be elected. What has been the experience of years? Has it not been that the noisy, pushing and unscrupulous come to the front, leaving more really competent men in the background. Surely it is not in matters appertaining to the profession of the law that one would like to see the turmoil of an election, party spirit invoked, politics doubtless introduced, by and by ill-feeling engendered, and

the nice feelings and instincts of those, who would not condescend to lower themselves by an appeal to others for support in such a contest, blunted.

If the present system is shewn to work badly, we will be amongst the first to applaud any well considered scheme that will make things better, or remove any well-grounded causes of complaint, but we cannot support a measure which not only is not shewn to be necessary, but bears on its face the elements of discord and destruction. It is not our business to advocate the interests of the present or any former Benchers of the Law Society, and we do not now pretend to do so; they are perfectly competent to fight their own battles. But we cannot, even as a mere matter of justice, allow it to be said or even insinuated that the present Benchers have done nothing to give us confidence in the present system; to speak of nothing else, they have inaugurated a course of legal education, probably superior to that of any other country in the world. This is something to be proud of, and let those who have done the work get their share of credit for what they have done, as well as blame for what they may have left undone. A system that has produced such good fruit in such an important matter must not be lightly interfered with. Would as much have been done by men appointed for a few years, not knowing whether at the end of one period whether they would be in office the next year to carry out to completion what they might have commenced? We much doubt it. And here it is but right to pay a passing tribute to the zeal and talent of the indefatigable Treasurer of the Law Society, to whose sagacity, the admirable measures alluded to are mainly due. He has worked early and late, devoting his great business talents and much of his valuable time to the work of the Society, and, like the rest of the Benchers, without the slightest remuneration; doing more than those who are not familiar with Osgoode Hall are aware of. We hope, for the sake of the Society, he may long hold his present position.

A host of objections present themselves to the Bill as introduced, but to which we have not at present space to refer; but we shall probably have occasion to speak of this subject again. Without having as yet stated half the objections to this Bill, we may at least have