

## A REVOLUTIONARY PROPOSAL.

ing to death the rightful occupants (by right of purchase) of the professional nest. We would commend this subject to the Board of County Judges—let them see what they can do in the premises. We have arraigned the Benchers at the bar of the profession with good effect. We now call upon the County judges to do their part; let the local Bar also keep them in mind of what they owe to the public and the profession. We should be glad to hear further as to this part of the question. In the meantime we might recommend a perusal of the remarks in O'Brien's D. C. Manual, 1880, at pp. 28, 38, etc., in reference to Division Court "agents." We are glad to know that the practice there suggested is followed by some of the best of the local judges. The position of agents as to Surrogate business is also worthy of discussion.

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One example of the energy with which the constructive power of man is working in the North-West is afforded by the rapidity with which the profession in Manitoba have erected barricades between themselves and the outer world. An Ontario lawyer who desires to seek fresh fields and pastures new in the Virgin Province finds that he has several formidable obstacles to pass before he is admitted to practice. First, in order to be eligible for call to the bar, he has to give six weeks' notice of his intention to present himself for examination in no trifling array of text-books, to wit, Leake on Contracts; Byles on Bills; Addison on Torts; Snell's Equity; Taylor on Evidence; and Williams on Real Property; to say nothing of the statute law applicable to Manitoba, and the practice and pleadings of the courts. Then, having survived this ordeal, he is required, should he desire admittance as an Attorney, to article himself for a year, and then apparently again

to pass an examination in the same books with the exception of Taylor on Evidence, though whether he may present himself for the two examinations at one time, or whether he cannot present himself for the examination for certificate of Fitness until he has completed his year under articles, we are not advised. But in addition to this somewhat rough handling, he has to pay about two hundred and seventy dollars in fees.

Now no doubt the majority of the Benchers of the Manitoba Law Society, argue that if their barristers and attorneys desire to practice their profession in the older provinces they have to go through a similar process of initiation, and that one good turn deserves another. But, after all, is not this kind of thing a *reductio ad absurdum* of provincial rights. The whole object and justification of requiring the service for a certain period as articulated clerks and the passing of certain examinations before admitting men to practice as lawyers is to protect the community from unauthorized and incompetent practitioners.

The interest of the community is to have as large a number of competent lawyers to pick from as possible. No doubt in the case of the Province of Quebec, where the civil law prevails and where the procedure follows a different model, it is but right in the interest of the public that any lawyer from the other provinces desiring to go and practice there should serve an initiatory term and pass preliminary examinations, and *vice versa*. But in the case of the other provinces, where the law and practice are similar, we would ask whether the diplomas and certificates granted in one province by the proper authorities, should not,—on a principle of inter-provincial comity,—be accepted as sufficient to qualify for practice in the Courts of the sister provinces; or at all events, should not solicitors and barristers of a certain number of years standing, be free to practise their profession in any province in the Dominion, excepting, for special reasons, the Province of Quebec?