

THE BENCHERS AND THE LAW SOCIETY.

a change; but Lord Bacon says, that no change in the law should be for change sake, but for the love of excellence, and that law reforms should be gradual and permanent. Whatever has been the reason, it cannot be denied that the idea of an alteration in the direction indicated, has become popular in certain localities. We confess however to a want of respect for popular clamour; and, without arrogating to ourselves the gift of prophecy, we venture to predict that there will, sooner or later, be a reaction in the minds of many; and this must necessarily be so unless the basis of the present fabric of popularity is founded, after careful consideration and deep thought, on sound reasons and unanswerable arguments in favour of the change.

That many professional gentlemen have signed this petition is quite possible. As we have said, it is "popular" in certain localities for the time being, but that the majority of the signers have thoroughly appreciated the effect of the proposed change, we very much doubt. Even putting it on no other ground, it is, as is well known, a matter of the smallest difficulty to get a given number of names to any petition bearing on its face a semblance of plausibility—one signs because another does—he does not like to appear singular—does not like to refuse—signing is less troublesome than giving reasons for refusing, the thing seems plausible and cannot hurt any one, at all events does not affect the signer, and so on; and all this is done, and an impression is given, without in reality obtaining the thoughtful well-considered sense of the signers of the petition, whatever it may be. Now in this case we do not say (simply because it has never been tested) that a majority of the profession are against the change, nor do we presume to say that many who have signed this petition, have done so without fully comprehending the subject* in all its bearings, and with the conviction that the effect will be to cure defects, which either exist, or are supposed to exist (and for the sake of this argument whether they exist or not makes no difference), but we only argue that there is no evidence that there is any pressure for the Bill, (at least in its present shape,) and that the subject has not been brought before the profession in such a way as to enable the promoters of the Bill to say, that the voice of the profession is in favour of this, or any similar measure.

It will be doubtless admitted on all sides, that the Law Society should be so managed as to make it as conducive to the general advancement and welfare of the legal profession in Ontario, as circumstances will permit. To effect this it is obviously necessary that the best men that can be had from the ranks of the profession should be selected to conduct the affairs of the Society. Has then the present system worked well or badly with respect to the *personel* of the managers? Are the members of the Bench, selected under that system, entitled, from their means of usefulness, business capacity, standing in the profession, position and general rectitude of character, to the confidence of those who can claim the protection, assistance and benefits of the Society; in other words, have the Benchers properly fulfilled the trust reposed in them by, up to the present time, electing as members of their body persons of the stamp alluded to. This is the first question: The next is, is there any reasonable ground for believing that a change, such as is proposed, would introduce a better class of men as Benchers, or otherwise better advance the desired object. And, finally, supposing as good men are secured for the position as at present, will the proposed new tenure of office conduce to the well-being or otherwise of the Society. And, to begin with, it may, we think, be laid down as attendant axioms to these problems, that, with the same men as Benchers (no matter in what mode they are appointed), the same results will follow, and that if a lower class of men are appointed worse results will follow.

The first question every enquirer can answer for himself, by merely looking at the list of those who have been appointed from time to time, and perhaps the fairest way would be to look at the selection during more recent years, when the field for choice has been more extended.

Then as to the second question, whether there is any reasonable ground for belief that the election of the Benchers in the manner proposed will advance the desired object. At present the Benchers select from the ranks of the profession, once every year, four gentlemen to be associated with them in their duties and position; so that it comes to this, that Benchers are now elected by a select few, and not by the mass of the profession. But it is argued and undoubtedly with some force, that in