

objection to the same person filling both positions; and from the beginning most barristers were also attorneys and *vice versa*.¹ While the Law Society does not admit the solicitor (to use the present nomenclature), the duty was cast upon it by the Act of 1857² to examine and inquire touching the fitness and capacity of an applicant to act as an attorney or solicitor: and ever since, the Law Society examines the candidate and gives a "Certificate of Fitness," on the presentation of which the Court admits him. Without such a certificate the Court cannot admit any one, just as without a call to the Bar by the Law Society the Court cannot hear any counsel. It is necessary before he can obtain a certificate of fitness or be called that the applicant for admission as a solicitor or for call to the Bar must have been on the books of the Society for five years (in the case of a graduate of a British University, for three years).

At the time the disturbing application was made (as now the Governing Body, the Benchers (who were in fact the real corporation) were mainly elected by the barristers of the Province—a few Benchers *ex officio* being the exception. An election is held every five years, so that the Benchers fairly well represent the sentiment of the profession at large, perhaps the more conservative sentiment.

It was to this body met in Convocation that the petition of Miss Clara Brett Martin to be admitted on their roll was presented. There was immediate opposition; true the applicant was a modest, self-respecting young woman, well-born, well-bred, and well-educated—but she was a woman.

Ontario.—After a little discussion, on June 30, 1891, Convocation decided that they had no power to admit a woman upon their books.³ Thereupon the Legislature of Ontario at the instance of Sir Oliver Mowat, the Prime Minister,⁴ passed an Act⁵ in the

¹ From a recent examination which I have made of the Rolls I find that of the practitioners of law in Ontario, all but 4 per cent. are barristers, and all but 2½ per cent. solicitors.

² 20 Vic. c. 63 (Can.).

³ The same decision was come to by the Bar of Montreal a few months ago, and the Courts declined to interfere.

⁴ Sir Oliver Mowat, although through all his long and useful life he called himself a Reformer or a Liberal, was quite generally by both political friend and foe (he had none but political foes) believed to be and not infrequently called a Tory or Conservative of the most Conservative type. In the matter now under discussion he was a Radical.

⁵ (1892) 55 Vic. c. 32 (Ont.).

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