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THE BAR OF LOWER CANADA AND
THE BAR OF ENGLAND.

In putting together a few rather desultory notes respecting the bar of Lower Canada, with some comparisons between it and the bar of England, I do not profess to do more than touch lightly upon topics, to develop which would compel me to exceed the bounds of a brief paper. I propose to advert in the first place to the numerical strength of the profession, its emoluments and the difficulty of success. I shall make a few observations upon the judicial system, and lastly on the relations of the bar with the bench and the public.

We have no statistics of the number of advocates in Lower Canada in the present year, but it probably falls little short of 600. According to the census of 1851, the number of advocates was returned at 273, 86 of whom were in Montreal and 80 in Quebec. The notaries in the same year numbered 538, of whom 35 were in Montreal and 50 in Quebec. The number of legal persons, exclusive of notaries, in Upper Canada, is considerably greater. In 1851, the number of barristers and attorneys was set down at 302, 83 of whom were in Toronto, 31 in Kingston, 22 in Hamilton, 10 in Ottawa and 7 in London. According to the census of 1861, the number of advocates had increased to 489, of whom 163 were resident in Montreal, 125 in Quebec, 21 in Three Rivers, and 9 in Sherbrooke. The notaries in 1861 numbered 571, of whom 73 were in Montreal and 59 in Quebec. The business of serving writs, levying executions, &c., was performed by 393 bailiffs. In Upper Canada, the number of barristers, attorneys, &c., had increased in 1861 to 632, there being 169 in Toronto, 20 in Ottawa, 12 in London, 27 in Kingston, and 44 in Hamilton.

In England, the profession in 1855 contained 4,035 members, (barristers.) In 1810, the number was only 880; in 1821, 820; in 1830, 1,129; in 1840 it had increased to 1,535, and in 1850 to 3,268. To these must be added 13,266

solicitors, attorneys and writers to the signet. They are assisted by 1,436 officers of courts of justice, 16,626 law clerks, of whom 9,270 are under 25 years of age, and 1,087 law stationers. The superior or local judges number 85. Of the 4,035 barristers, 500 are occupying public employments that debar them from practice; about 300 are resident in Ireland and the colonies, leaving about 3,235 as the number to whom the profession is open.

If we set down the number of legal persons, including judges, advocates and attorneys, and notaries, in all Canada at 2,000 in the present year, we have almost as great a numerical strength in proportion to our population of 2,800,000, as the English lawyers, numbering in 1855 18,422 persons, to the 23,000,000 population of England, while the vastly greater importance of the cases in England causes the scale of business to preponderate against us.

I proceed to say a few words respecting the difficulty of attaining success at the bar, and the emoluments which await success. There being much less difficulty in obtaining remunerative business as an attorney or solicitor than as a barrister in England, it is not uncommon for the lawyer to pave the way to practice at the bar by serving for a year or two as an attorney. The difficulty of attaining even moderate practice is so great that it is estimated that not more than 500 barristers in England live and prosper by the profession. The difficulty has been expatiated upon by many writers. The following is an extract from Byerley Thompson, (Choice of a Profession, p. 121.)

"When turning to the consideration of the moral qualities required for the bar, it is but right earnestly, even solemnly, to charge my reader to consult deeply before he launches on the sea of trial that the first years of the life of a junior barrister present. It has been described as eating "sawdust without butter." Indeed no trial in any other profession can equal it. It is made up of solitude, want of occupation and disappointment. Five junior barristers out of ten, whom fortune has not endowed with sufficient income to marry, reside either in chambers in their inns, or are the tenants of lodgings, and the habitués of clubs. The junior's life will vary from term to circuit,