

WOMEN AS PRACTITIONERS OF LAW.

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A LITTLE more than a quarter of a century ago a flutter of what in a less dignified body would have been called excitement went through the Convocation Room at Osgoode Hall, Toronto, at a meeting of the Benchers of the Law Society of Upper Canada—a woman had applied to be admitted on the books of the Law Society, a thing without precedent in the century of the Society's existence.

From 1797, the legal profession in this Province has been master in its own house: in that year the Provincial Legislature of Upper Canada passed an Act¹ which authorised all the persons then admitted to practice and practising at the Bar to form themselves into a Society, the "Law Society of Upper Canada," which Society was to prescribe rules and regulations for students and call to the Bar, and generally to have control over the profession. Since the organisation of that Society, no one has been or could be allowed to act as barrister in any of our Courts unless and until he was called to the Bar by the Society.²

While there has since 1797 been a distinction between the barrister and the attorney (or solicitor),³ there has never been any

¹ (1797) 37 Geo. III. c. 13 (U.C.)

² Those interested will find a full historical account of the Law Society of Upper Canada in my work published by the Law Society of Upper Canada in 1916, *The Legal Profession in Upper Canada in its Early Periods*.

The Law Society of Upper Canada was incorporated in 1822 by the Provincial Act 2 Geo. IV. c. 5 (U.C.); but its function to call to the Bar was not interfered with.

³ The attorney practised in the Common Law Courts, the solicitor in Chancery. We had (after 1794) only Common Law Courts for a time and consequently our practitioners in "the lower branch of the profession" were then attorneys (or to use the time-honoured orthography "attornies"); but in 1837, the Provincial Act 7 Geo. IV. c. 2 (U.C.) instituted a Court of Chancery; and thereafter, till the coming into force of the Judicature Act in 1881, a member of this branch was an "Attorney-at-Law and Solicitor-in-Chancery." The Judicature Act of 1881 abolished the name attorney, and now these are all solicitors.