

there are two or more Superior or Grammar Schools designed to prepare the youth of Upper Canada for entering with advantage the Universities of the country. No one can deny that it is for the interests of all that there should be privileged orders in the practice of the Courts of Judicature, and that the gentlemen to whom that privilege is granted should be fitted by educational and professional training for discharging the duties incumbent upon them.

In the case of barristers the Law Society has taken every reasonable precaution to prevent any but learned and honourable men obtaining a degree which qualifies them to practice—in the preliminary examination before admission to the Society, and the final examination before call. Our readers out of Upper Canada will see by reference to the notice of the Law Society (on page vi.) that the subjects of examination for admission secure the exclusion of ignorant candidates, and the final examination is equally extensive and searching.

In the case of attorneys there is absolutely no guarantee. They may be deficient in general education, and know no more law than a "bum bailiff." They are admitted on mere proof of service. There is no test by which their fitness is determined. They may be worth their weight in gold, or their weight in pig lead: who is to say they have not the standard stamp of value?

There are doubtless several well qualified gentlemen amongst the class of attorneys, but how are the public to determine at their time of need? and nothing can be more true (to use the words of the Lower Canada Act,) than that "the welfare and tranquility of families require as an object of the greatest importance" that such persons only should be appointed to act in the profession of the law as are "properly qualified to perform the duties of their employment."

Let the attorneys be generally recognized as advocates, and you open a door to further inroads, and from the lower grade in the profession the transition would be easy to non-professional intruders; and ignorant and garrulous babblers would in time drive away in disgust the honorable and educated practitioner.

The tendency of Legislation here and at home is towards decentralization, with new and multitudi-

ous objects of jurisdiction heaped upon the local Judges. It is all important that they should have the assistance of an upright and educated bar—and on grounds of public policy every encouragement should be afforded them.

We see in one of the local papers a report of a similar application to *Judge Cooper* of Goderich, on which the learned Judge would appear to have taken a course different from *Judge Gowan*; but perhaps there is little substantial difference, for *Judge Cooper* appears to have granted the privilege with much reluctance, and strictly on the ground of necessity: he is reported to have said, "In granting this permission, it must be understood that it is granted entirely *ex necessitate*," * * * "and that upon any future application, if the circumstances are so changed that the interests of suitors can be properly guarded without conceding the privilege, it will be refused."*

Until lately attorneys as a class distinct from barristers, have been almost unknown, but of late years they are becoming more numerous, and it is within the bounds of possibility that legislation may bring upon us a host of attorneys from over the water that would spread like "roaring lions" over the land.

As to the purely legal aspect of the case *Regina v. Erridge*, we entirely coincide in the view taken as to the effect of the 19th section of the County Courts Act—the practice of the Superior Courts in all matters not expressly provided for applying and extended to the Co. Courts. If the Law Society's Act did not prevent attorneys from practising in the Inferior Courts, it did in the Superior Courts, and now the section referred to says the practice of both Courts shall conform.

The position of barristers here and in England is different in this particular. The Superior Courts in England, *by ancient usage*, allow only barristers to practice as advocates, but if barristers did not attend, attorneys *might* be permitted to act in that capacity.

With us barristers have *by Act of Parliament* the right of exclusive audience as advocates, and the benefits of that Act are by the section in question extended to the County Courts.

* We quote a case from a newspaper report with some reluctance, as it is a standing rule with us not to republish from such a source.—*Eds. L. J.*