

COMMISSION TO THE BAR OF LOWER CANADA.

The law now in force, regulating commissions to the bar of Lower Canada, is to be found in section 27, chap. 72, of the C. Statutes of Lower Canada, and is drawn from the 12 Vic., c. 46, s. 27,—16 Vic., c. 130, s. 6, and 22 Vic., c. 104.—As it now stands the law constitutes three classes of persons who may be admitted to the bar of Lower Canada * :—

1. Five years clerks; i. e., any one who has studied regularly and without interruption, under a notarial agreement, as a clerk or student, with a practising advocate, during five consecutive and whole years.

2. Four years clerks; i. e., those who, previous to their clerkships, have gone through a regular and complete course of study in any incorporated college or seminary.

3. Three years clerks, who are of two sorts: a. Any one who has gone through a regular and complete course of study in any incorporated college or seminary, and also through a complete course of law in any incorporated college or seminary;—b. Any one who has followed a regular and complete course of law in any incorporated university or college in which a Law Faculty is established, as provided by the statutes or regulations of said university or college, and has taken a degree in law there, and such course of study may be followed simultaneously with his clerkship under articles.

These regulations are intended to be very stringent, but practically they are almost useless, and this for two reasons. First, the examinations as to capability are left to the examiners of each section of the bar; and second, what constitutes a regular and complete course of study, or a regular and complete course of law, is not defined. Now the results are what might fairly be expected. The bar examinations are a sham, and the tendency of competition between the different colleges, seminaries and universities, each of which has the unfettered power to fix

its own course of study, is to lower more and more the standard of learning necessary for admission to the bar. If the bar examinations were something more than a form, colleges and universities would be obliged to keep their course up to the mark, to avoid the disgrace of seeing their students plucked; but I contend that no mere professional examination, and more especially an oral one, will ever continue for any length of time to be serious, or that it offers any guarantee of capacity whatever. This is so well known that admission to the bar in France, so far as the action of the bar is concerned, is simply an enquiry into the respectability of the candidate, of his having decent chambers for consultation, and something of a library; and the bar of Paris is a model admirably suited for our imitation.

With a view of improving our system here, Mr. Irvine, member for Megantic, introduced a bill, during last session of Parliament, containing the following amendment:—

Section 27, c. 72, C. S. L. C., is hereby repealed, and the following substituted therefor:—27. No person shall be admitted as an advocate, barrister, attorney, solicitor, and proctor at law, unless he has attained the full age of 21 years, and has studied regularly and without interruption, under a notarial agreement as a clerk or student with a practising advocate during four consecutive and whole years, and has gone through a regular and complete course of study in an incorporated college or seminary, or is admitted under chap. 75 of the C. S. of Canada.

2. Except that if any candidate for admission to the bar has followed a regular and complete course of law in any incorporated university in Lower Canada in which a law faculty is established, as provided by the statutes or regulations of the said university, and has taken a degree in law in such university, he shall be admitted as a member of the bar on presentation of his diploma to the council of any section of the bar; Provided, That the said course of study extend over three years at least, and comprise not less than 150 lessons a year, and include instruction in Roman law—the civil code of L. C., criminal law and procedure. But the bar shall not be obliged to admit any one whose moral character is bad.

The effect of this amendment would

* Of course without counting barristers of Upper Canada who may be admitted under cap. 75, C. S. C.