

THE BENCH AND BAR OF QUEBEC.

years the aim and desire of our rulers to degrade the Bar, and to abase the Bench. To be a Queen's Counsel, one need not be an honourable man or a distinguished lawyer; to be a judge it is not requisite to be a jurist.

Let it not be supposed that the picture here presented is overdrawn. What is herein embodied is spoken of openly in our Court-rooms, loudly in our streets; it is a matter of public reproach to the profession and to the Government. It is known to and admitted by ninety out of every hundred of our lawyers and judges, and is regretted by all save those who profit by this monstrous prostitution of patronage.

In no profession does the horror of coming out boldly against abuses affecting itself, exist so strongly as in that of the Bar. Lawyers as a rule are conservative in their ideas after ten years practice. They have a dislike to washing the soiled linen of the profession in public; they are afraid of exciting the enmity of the judges if they attack the Bench, or any of its members. They are occasionally restrained from giving public utterance to their opinions by feelings of friendship, and they avoid attacking the action of the Government, lest they might perchance prevent their own promotion. All these dislikes, motives, doubts and fears make the Bar exceedingly patient and long suffering in public. But to compensate for this public cowardice, this retiring modesty, so far as society at large is concerned, in private no man is more candid in his opinion of his *confrères* and the Judges, than a Quebec advocate.

Fifty years ago the Bar of Lower Canada stood high; its members moved in the foremost ranks of society, and in the political arena were supreme.

The object of this paper is to examine into the causes of the decline of the legal profession in this Province.

In the year 1849 the Act incorporating the Bar of Lower Canada was passed by the Legislature of the Province of Canada. Divided into sections according to the several districts, members of the Bar were entitled to elect their own officers, and to manage their own affairs in each section. The principle of universal suffrage was admitted, and the attorney of one day's standing had an equal voice in the administration of affairs with the barrister

of thirty years' practice. Politicians eager for the interests of their respective parties saw therein opportunities of gaining strength, and consequently the nominees of four or five gentlemen who met in caucus and decided on the persons who should be the officers of the Bar for the then current year, have been for a long time past duly elected. So high on many occasions has party feeling run, that the candidates for the office of *Bâtonnier*, or their friends, have paid the subscriptions of members of the Bar, who had fallen into arrears, to secure the votes of the defaulters. Is it necessary to say that such a course of proceeding is disgraceful and demoralizing to all parties concerned? One of the consequences of this universal suffrage is that the elections are generally carried by the votes of the younger members, who in very many instances have no idea of their responsibility, and but very little *esprit de corps*. Canvassed it may be for weeks before hand, they are marshalled by their leaders on the day of election, and vote blindly for the man who is the selected of their party, without caring for or enquiring into his qualifications to be the representative man of the Bar for a year.

The annual election of *Bâtonnier* is also a mistake—that officer should be the leading man of the Bar, and should continue his office until he loses his position, when his successor in reputation should be appointed.

Now-a-days, thanks to the errors in the system and the malpractice adverted to, the office of *Bâtonnier* has been shorn of its *prestige*, and is open to any one willing to canvass the Bar, and expend fifty pounds in paying arrears.

Another great cause of the decadence of the Lower Canadian Bar has been the laxity displayed in admitting to its ranks men who might perhaps have graced a shoemaker's bench, but who simply disgrace a learned profession. Within the last few years however a change for the better has been effected, and it is now impossible, if the examiners are but true to themselves and their profession, for men to be admitted to practice, without being to a certain extent qualified.

When complaints are brought against members of the Bar for improper or unprofessional conduct, it frequently occurs that the members of the Council, consti-