

## THE BAR, THE BENCH, AND THE ATTORNEY GENERAL FOR LOWER CANADA.

The Meeting of the Bar of Montreal, condemning the conduct of the Attorney General for Lower Canada, has been misrepresented by a portion of the press in this City.

The objects to be attained were neither of a personal or political character. The Attorney-General, no doubt, had acquired the habit of treating the opinions and sentiments of his confrères with supercilious indifference and contempt, but in justice to him it must be admitted he merely continued a practice established before his advent to office. His conduct, therefore, in this respect excited no personal animosity.

In all countries, even countries where despotic institutions exist, men whose lives are devoted to the study of the law, and to the examination and advocacy of important questions affecting the reciprocal obligations of individuals, and the duties of the governing and the governed towards each other, have commanded the confidence and respect of their countrymen, and have respected each other. If in some periods, that confidence and respect have been impaired, it has invariably been owing to the Members of the profession allowing themselves to lose sight of the maxims and principles, which the welfare of society, no less than their own honor, required them to maintain, and thus falling into a condition of sordid subservience.

Whether the Attorney-General of the day believed that such was the present condition of the Bar of Lower Canada, it is immaterial to inquire. His conduct on many occasions indicated such a belief; it was high time, then, for the Bar to disabuse the mind of the Attorney-General of an error, so fatal to the profession of which he is a Member—so pernicious and dangerous in its consequences to the country.

Certainly the imperative necessity of this duty contributed to the late action of the Bar; but the more immediate cause of the Resolutions was the unbecoming design of the Attorney-General to substitute his will for the Law, and his daring attempt to hrowbeat the highest Judicial authority of the country into subservient submission to this disgraceful, dangerous and unconstitutional proceeding.

The Supreme or Appellate Court had declined proceeding with the important business before it, because one of its Members had been disqualified to act as a Judge, by his acceptance of another and exceptional office. The Chief Justice and Mr. Aylwin declared the Judge so appointed, incompetent to sit. The Judge so appointed to this exceptional office declared in favor of his own competency, and was supported by Mr. Duval. The result was, that the business of the Court was disastrously interrupted, and the incompetency of Mr. Caron practically declared and decided upon.

It is unnecessary to discuss the reasons given in support of Mr. Caron's competency to sit; but the tendency and ulterior effect of the procedure of the Attorney-General is curiously displayed by the weight attempted to be given to the letter of instructions sent to Mr. Caron, as a Commissioner, after his appointment and acceptance of that office. This letter was an order from the Minister of the day not to commence the work of codification until after the 1st of April, but to continue his duties as a Judge,—as if such an order could be properly addressed to a Judge and have the effect of over-riding the provisions of Acts of the Legislature. To have found a Judge willing to receive and obey such an order was not the least extraordinary part of the proceeding.

This procedure then, excited the astonishment, and aroused the indignation of the Bar, and these feelings were still more exasperated by the manner in which the Attorney-General received the intelligence of the firm stand taken by the Chief Justice and Mr. Aylwin against this illegal and unconstitutional course. The intention of the Attorney-General to bring the administration of Justice into contempt could scarcely be doubted, and a belief amounting to certainty existed, that it was further designed to induce and encourage the Court at Quebec, increased in number, to recede from the view taken by it at Montreal.

The Attorney-General must have had in his possession the decision of the Court in Montreal before he used the objectionable language attributed to him, and when he ventured to say that he shrugged his shoulders in pity for the men who could arrive at this conclusion. It is manifest he struck a blow at the independence of the Bench, which the Bar were bound to resent. To allow such an outrage to pass without rebuke, might have been considered an approval of a course placing the Judiciary completely in the hands of the Executive, and the inevitable result would have been the degradation of the order, and that the country would have been cursed with servile Judges entirely subordinate to the caprices of the Executive Government.

The resolution charging the Attorney-General with intending to bring the Administration of Justice into contempt was not meant to imply, as hiring scribes have said, that the Attorney-General left his own house with that object, but that the condition of his mind was