

It is a mistake to confound the calling of the Barrister with the office of Attorney. An ignorant attorney is sure to go wrong, and the public have no means of deciding on his fitness and capacity; it is not so with the advocate—the public have full opportunities for forming a judgment respecting his fitness as an advocate; but the argument at best only goes to show an apparent inconsistency in the present system. It does not follow that because barristers are admitted without examination, that attorneys should be.

Our desire would be to see both barrister and attorney subjected to an examination, and, wherever they may have acquired their legal knowledge, admit them, if on examination they are found to be possessed of competent education, and capable of practising with advantage to their fellow subjects in Upper Canada. As to any *right*, there is none. The question is one of fitness and expediency, and concerns the public more closely than the profession.

#### ENGLISH AND IRISH ATTORNEYS.

The unusually great number of applications before the legislature from English and Irish Attorneys and Solicitors, asking to be admitted to practise in Upper Canada, demands attention. It is passing strange that English and Irish barristers, if having diplomas, are admitted without difficulty into the folds of the profession of Upper Canada; but that attorneys and solicitors must either undergo the servitude of an articled clerk, or obtain an Act of Parliament. This is not the less remarkable in view of the fact that in Upper Canada the two branches of the profession, attorney and barrister, are generally to be found united in one and the same individual. We believe the subject to be well worthy of consideration. Is it proper to receive English and Irish barristers upon proof merely of their profession? If so, is it proper to withhold that privilege from English and Irish attorneys and solicitors? In our opinion the one rule should govern both cases. If in Upper Canada there were a scarcity of barristers and a plethora of attorneys, a reason might exist for the admission of the one class and the exclusion of the other when imported from abroad. If in the diploma of an English or Irish barrister, we had the sure token of an able, educated, honest, and learned man, but in the

attorney's diploma nothing of the kind, there might be a reason for the distinction observed; but as neither hypothesis is true, the case is not at all improved by such considerations. On the contrary, our attention, when pushed a little further in the direction of facts, teaches us a lesson rather to the benefit than the prejudice of attorneys. The English attorney has from the earliest time been subject to examination, his qualifications tested, and his competence proved, and therefore his diploma is some evidence of his efficiency; but with the barrister the case is just the other way. Until very recently the idea of subjecting barristers to an examination, was not very generally entertained in England. None of those who come to us have any testimony of learning or ability; and yet we receive them with outstretched arms, and turn our faces from their less pretending, though not upon that account, less deserving brethren. We must affirm that the one rule should govern both cases, and whether that rule should be one of prohibition or free admission, we shall proceed to inquire.

The rule of prohibition is one of protection, and the rule of admission one of free trade. Prohibition can only be justified either upon the enlarged ground of public interest, or to us the not less vital one of professional interest. Is the manufactory of Osgoode Hall in such a weak consumptive state that we must use the external appliances of protection? Are the public liable to be injured in person or property by the introduction of English or Irish manufactured lawyers? Are our professional men afraid to enter the arena with the best of the men who come among us from abroad? To neither of these questions in the abstract can a pure and positive answer in the affirmative be made. Then what reason exists for refusing professional learning and ability when tendered at our doors. We fear selfishness squints through reason and logic to arrive at the conclusion most pleasing to its taste. The Canadian student must not blurt, nor the Canadian barrister grumble, under the delusion that the English or Irish men who offer their professional services to the public in Upper Canada do so without having undergone study and drudgery like themselves. These gentlemen from abroad must have done so at sometime and somewhere, and whether in England, Ireland or Scotland, we conceive it matters not: the sole question should be, is the appli-