

his incompetence may be made only at the moment when the client's (or victim's) ruin has been consummated by some improper act or omission of this accredited agent of the law.

The Barrister must have passed two examinations before the Law Society previous to his call to the Bar—the first upon his general acquirements, to see if he has that sound and liberal education which fits him to enter with advantage on the study of the law: the second, after five years' standing on the books of the Law Society, to test the extent and nature of his professional knowledge; to determine if it be such as to qualify the candidate to practice with honor to himself and advantage to his fellow-subjects: unless found to be fit and capable to act and stainless in character, the degree of Barrister is not conferred upon him. Here every precaution has been taken to secure (in the language of the Statute) a learned and honorable body to assist their fellow-subjects, as occasion may require, and to support and maintain the Constitution. And we dare affirm, that a more truly honorable and capable bar than that of Upper Canada does not exist in any other colony in her Majesty's dominions.

It is desirable that an educational test should be applied to Attorneys as well as Barristers; and there is more need for it. The former are infinitely more in the way of inflicting injury by ignorance or turpitude than the latter; and from the very nature of their duties with fewer checks.

Be it remembered (says the learned and estimable Samuel Warren) that the Attorney and Solicitor stands in the front ranks—is the very front to whom a layman comes, dismayed and confounded by the derangement of his affairs, of every sort, in every profession, trade and calling, wherever his rights are questioned, his interests threatened; when he means to challenge those of others; how tangled and intricate soever the difficulties in which he has involved himself, or others have involved him, &c. Bear you in mind (he says, addressing Attorneys,) that the bulk of society take the complexion and character of the law from your exhibition of it. According as you act and demean yourself on such occasions, you may make that law appear a blessing or a curse; render it detestable as the instrument of meanness, trickery and oppression, or lovely and dignified as the guardian of peace and order; the very visible impersonation of Justice, the protector of the weak and oppressed, vindicating the rights of the most abject, and redressing wrongs though inflicted by the haughtiest and highest of mankind.

Further, the business of the Attorney lies chiefly in his private office with his clients; the Barrister exercises his calling chiefly before the Judge and the public at large, surrounded by all those restraints

which an upright and firm judiciary and a well-directed public opinion impose.

At Home, a law requiring the examination of Attorneys has been in force for centuries, and of late years the system has been greatly improved, the examination, before a tribunal composed of men of high standing and great experience, embracing the whole field of the law—its principles and doctrines. In most of the British Colonies there is a preliminary examination; in some colonies, Jamaica for example, before the Judges in open court: and to come nearer home—in Lower Canada every candidate for admission to the profession must undergo the ordeal of an examination.

It would appear that before the passing of the 37 Geo. III. c. 13, the ordinance of the Province of Quebec, 25 Geo. III. c. 4, regulated the mode in which Attorneys, &c., were to be admitted in U. C. By the first clause of that ordinance no person was to be commissioned or permitted to practice as an Attorney, &c., who had not served a regular continued clerkship with an Attorney, &c., for five years at least. And further, such person was not admitted to practice until after he had "been examined by the first and most able Barristers, Advocates, and Attorneys, &c., in the presence of the Chief Justice, or two Judges," by whom such person, so examined, was to be "approved and certified to be of fit capacity and character to practice the law." The U. C. Act 37 Geo. III. c. 13, which repealed this ordinance as respects the ordinary Attorney, &c., and made other provision therefor, was amended by an Act passed a few years afterwards, under which the admission of Attorneys is now regulated. It provides that "no person shall be admitted by the Court of Q. B. to practice as an Attorney in this Province unless upon an actual service of five years with some Attorney of this Province,"—nothing more!

Mark the contrast between this and the provisions of the Ordinance. The exigencies of an infant state may have induced this alteration, but no plea to favor it can be advanced at the present day. Do let us bear in mind the times in which we live; when (to quote once more from Warren) knowledge is so universally diffused, and the results of science are so incessantly intermingled in the affairs of life, and turned to purposes of practical account and profit, that the members of our profession are compelled to elevate the standard of acquirement and qualification far higher than sufficed in the days of our good grandfathers and great-grandfathers; and consider what facilities for a really first-rate education now exist almost every where, and which persons far humbler in society—observe—than the classes from which our profession is usually recruited, most eagerly and successfully avail themselves.

Upper Canada, in 1855, is very different from what it was in 1797. Look at the present population—the trade and commerce—her manufactures—her agricultural wealth—her canals, railroads, banking institutions, corporate bodies, &c., and you see the evidences of almost incredible advancement.