

solicitor off the rolls as the case may be. In either case the Court of King's Bench has power "upon sufficient cause being shown" to restore the condemned member. It will be observed that the power of the Benchers over barristers is absolute to disbar or suspend without the intervention of the Court but in the case of a solicitor the Benchers have no power to either strike off or suspend—that must be done by order of the Court. In addition, the Court of King's Bench has authority by statute to hear any complaint against a member of either branch of the profession "for unprofessional conduct or misconduct as a barrister, attorney or solicitor" and either suspend or strike the offender off both or either of the rolls.

In Saskatchewan and Alberta the disciplinary power is possessed by the Superior Courts or the Judges thereof. In British Columbia the Benchers have "full power to disbar, disqualify, suspend from practice or strike off the rolls any barrister or solicitor for good cause shown" subject to appeal to the Supreme Court Judges as visitors.

In Ontario, New Brunswick and Nova Scotia the power of the Benchers is with some difference in procedure practically the same as in Manitoba. In Quebec the jurisdiction of the governing body is absolute while in Prince Edward Island so far as I am aware there is no disciplinary power except that inherent in the Court.

It will appear, therefore, that any code adopted by the Canadian Bar Association must unless the law is changed be and remain a mere exhortation. Nevertheless, I think nothing but good can result from this adoption. "Laws will not," says the Outlook, "make a community virtuous nor will canons of professional ethics make dishonorable men honorable. Nevertheless in a democratic country good laws help to raise and strengthen the standard of social virtue and canons of professional ethics similarly tend to raise and to strengthen the standard of professional honor."

In those provinces where the governing body of the Bar by whatever name it may be known is vested with disciplinary power, such a code might receive a measure of enforcement insofar as it is consistent with the laws of the province. Whether it did or not would depend upon the construction which the governing body put upon any particular canon.

Another matter that must be borne in mind in the formulation of a code of ethics is that the legal profession in Canada is made up of two distinct professions, with different duties, different responsibilities and liabilities, different history and traditions and subject to different rules. In only one province, viz., Quebec, is there but one degree in the law, that of advocate. In Alberta and Saskatchewan every member is necessarily both a barrister and solicitor while in all the other provinces every lawyer may if he choose belong to both professions or to only one of them.

In the United States, the pioneers in the formulation of codes of