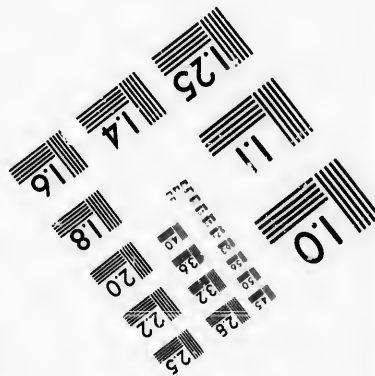
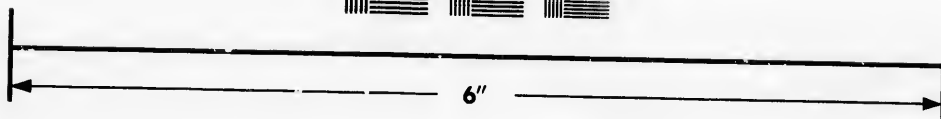
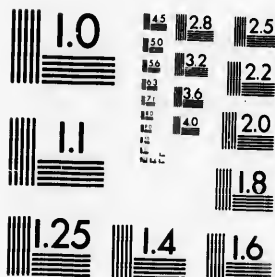


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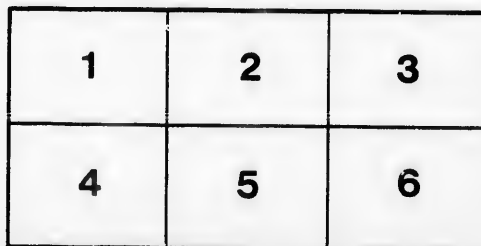
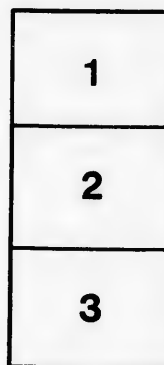
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THE UNIVERSITIES AND THE BAR.

THE AUTHORITATIVE STATEMENT OF GRIEVANCES BY ENGLISH UNIVERSITIES.—HON. W. W. LYNCH'S BILL.—LAST CONVOCATION OF MCGILL LAW FACULTY.

THIRD LETTER BY S. PAGNUELO, Esq., Q.C.

TO THE EDITOR OF THE GAZETTE.

Sir,—The Protestant universities have at last published their long promised statement of grievances against the Bar act and programme, in the form of a report from the sub-committee of the Protestant committee of the Council of Public Instruction according to the GAZETTE of the 8th inst. The names of the signers of the report are not given, but it is understood to be the work of Sir William Dawson, principal of McGill university, and of Mr. R. W. Heneker, chancellor of Bishop's university.

It is only a repetition of the generalities contained in McGill's annual report and in Sir William's letter of the 30th March, and is summed up in the following paragraph:—"The Protestant population of this province are suffering serious disadvantages through the Bar act of last session, which in its clauses (*sic*) infringes on their rights and privileges," and "the objectionable clauses must be abrogated!" That is all. How or in what way the Bar act infringes on their rights and privileges, the sub-committee does not pretend to say, showing as much prudence as Sir William has displayed hitherto in his writings.

We find in the official document not only the same vagueness and want of precision, but also the same ill-founded insinuations, as in McGill's annual report and in Sir Wm. Dawson's letter of the 30th March.

I draw attention especially to the 6th clause of the report, where it is asked: "that no interference in the curriculum of study of any faculty of law of any university by any professional body be allowed," and "that no privilege be granted to any university not shared by the others * * * * or which may tend to the disadvantage of any one of such institutions"

Why are such demands made when, as

everyone knows, the council of the Bar does not and cannot interfere with the curriculum or teaching of any law faculty; when the Bar act makes no difference between French and English, Catholic and Protestant universities; and when the regulations for the Bar examinations are the same for all? Sir William may have brought his first accusations in ignorance of our law and programme, but surely he cannot ignore them now.

The only semblance of a grievance which some officers of English universities have been muttering privately for some time, and which all expected to see forcibly propounded in their authoritative statement of grievances, the sub-committee have shrunk from mentioning in their report over their signature; but they have thrown upon the Rev. Mr. Rexford, their secretary, the responsibility of publishing them in a separate document. The summing up runs thus: "The Bar act requires examination in philosophy, and "the subject of philosophy is entirely unknown as a school subject among Protestants." Therefore it is evident "that the action of the Council of the Bar is a serious interference with our Protestant superior schools." This is in truth their best, their only argument. Let us say at once that the Rev. Mr. Rexford cruelly libels the Protestant superior schools in this province, when he says that "philosophy is entirely unknown as a school subject among Protestants." Philosophy, both intellectual and moral, is taught at McGill university. The Rev. gentleman plays upon words. It is not taught, it is true, in English academies and high schools, many of which, I am informed by competent men, are no more than grammar schools, which, however, confer by affiliation the degree of bachelor of arts. But philosophy forms part of the McGill college and university course.

I read in the *Annual Calendar of McGill College and University for 1886-7*, p. 33: Faculty of Arts.—Course of study: "Undergraduates are arranged according to their standing as students of the first, second, third and fourth year. They are required to attend all the courses of lectures and pass the examination for their several years" etc. Page 34;—fourth year—Latin or Greek. . . *mental and moral philosophy*.—Page 36, "University examinations for students of McGill college and of colleges affiliated in arts." Page 37, "*mental and moral philosophy*." Is it clear enough?

But there is more—Not only are the students of McGill college, and of the colleges affiliated in arts, bound to follow lectures and pass examinations on mental and moral philosophy, but the matriculation examination, required from those who are desirous of being admitted into the faculty of law in McGill university, includes also philosophy, from the following books: Whately's *Logic*, *La Logique de Port Royal*; Cousin, *Histoire de la Philosophie*; Stewart's *Outlines of Moral Philosophy*. See p. 117, 118, of the *Annual Calendar for 1886-7*.

The Protestants of Canada acknowledge, by so doing that the teaching of philosophy is an important element of intellectual attainments and training. Facilities for the study of philosophy are provided in their own institutions for higher education, and the studies are seemingly enforced. If matters are as stated in their own official documents, their pretended grievance falls to the ground.

Now, let us suppose that philosophy were entirely unknown in school teaching among Protestants, a supposition I should not dare to entertain. Does it follow that the Council of the Bar could not exact the previous study of philosophy without infringing upon the rights and privileges of universities, or the rights of Protestants?

What right and what privilege, if you please? That of ignoring philosophy? With this nice reasoning we must give up all hope of ever raising the standard of studies, because every exertion to raise and to enlarge the circle of attainments, would be a violation of the right and privilege *to ignore* which had been enjoyed up to that time!

In many English academies and schools the teaching of French is nil, or nearly so. In many French colleges the study of English is nil or nearly so; in many again the study of mathematics is neglected.

According to the Rev. Mr. Rexford's line

of argument, we should not require the knowledge of both English and French, nor of mathematics, nor of philosophy. I am afraid we might have to say the same of history and geography. What remains? Grammar, orthography in the maternal language, a little Latin and literature. Our programme would then be on a level with all the colleges and so called high schools; that is to say, we would not rise above any.

Is not the evident weakness of such reasoning a clear proof of the necessity of studying philosophy, which, in the part called metaphysics, teaches how to have clear ideas upon the principles and causes of all existing things; in that called logic, the art of reasoning; and in the part called ethics, teaches men to be honest in all their dealings, including public discussions.

The General council of the Bar believes in the necessity of teaching philosophy to those who intend to enter the Bar, as law is essentially a science of reasoning. The advocate must be able to discern sophistry from sound argument; he must not proceed by insinuations or loose statements, but must state facts fairly, and draw conclusions from them.

All professions and conditions of life need that science, which is the first of all human sciences. The physician and the notary want, as much as the advocate and the minister, to know the art of reasoning, and to have clear and precise ideas on God, man and the world, especially when young men are exposed to study medicine or law in universities where materialism or free thought is taught.

Instead of lowering our programme to the level of the weakest colleges, we try to raise the standard of studies in all colleges to the level of our programme. Protestants must do for philosophy what Catholic French Canadians do, without grumbling, for mathematics.

A single fact proves clearly the non-existence of the pretended grievance that English young men are under disadvantages with French-Canadians at the preliminary Bar examinations. It is this: Our programme exists since 1881, and not since last year only, as wrongly stated in the sub-committee's report, and experience shows that more French-Canadian than English young men have been proportionately refused at the preparatory examination of the Bar. That fact may be verified by our minute book.

One may judge from that fact and from previous observations, what foundation there was for the statement in McGill's report that the Bar act and regulations "tend to the ex-

clusion of educated men, more especially of those of the English speaking minority, from entering into the legal profession;" or for the statement that our regulations and programme "tend to lower the standard of studies instead of raising it." I leave it to any unprejudiced, educated man, whether English or French, to say who is trying to raise and who is trying to lower the standard of education in this province.

It is now easy to understand why certain personages work so hard to force the degree of bachelor of arts as a sufficient test for admission into all liberal professions without further examination, and why the councils of the liberal professions refuse to acquiesce.

The Rev. Mr. Rexford complains that the Bar regulations attach too much importance to philosophy, and too little to mathematics, chemistry and physics, "as indicated by the marks given for several subjects, and by the percentage required to pass.

For philosophy 250 marks are given, and half marks are required to pass; whilst for the five subjects, arithmetic, algebra, geometry, chemistry and physics, only 250 marks are given, and one-quarter of total marks, and one-seventh marks in each subject are required for passing."

So he states, but he is again mistaken, and his mistake misleads the public. The regulations do not require one-quarter of total marks, *nor any percentage whatever of total marks*. Our by-law is very explicit, and leaves no room for misapprehension.

It requires one-half of the marks for Latin and one-half for philosophy; let the number of marks be 10, 100 or 1,000, it is always one-half; the number of marks makes no difference.

All other matters are divided into two sections, and each section into two groups. Mathematics, chemistry and physics form one section, which is sub-divided into two groups: 1, arithmetic, geometry and physics; 2, arithmetic, algebra and chemistry. The groups are drawn by lot, in order to shorten examination. The second section is composed of history, literature, rhetoric, translation, composition and geography, and is sub-divided into two groups, also drawn by lots.

Two hundred and fifty marks are given to each group; one quarter marks of the group drawn for examination is required, and not one-quarter of the total number of marks given for all the examination matters, as erroneously stated by Mr. Rexford. I repeat it; our by-law requires no percentage what-

ever of the total number of marks on all the examination matters.

The necessary conclusion of this controversy is that Englishmen and Protestants have no legitimate grievance to bring against the programme or the regulations of the Bar, and that the only object of the agitators is to give universities the new and extraordinary power to admit whomsoever they please to the study and practice of liberal professions. With the number of rival universities existing in the province; with the past experience of the physicians with regard to admission to study; and with our experience of the manner in which degrees in law are granted nowadays by universities, all liberal professions would soon be flooded with men devoid of education, unable to master the first principles of science and to understand the dignity of their profession. It would lead to the lowering of collegiate and university education, and be a calamity for society, the professions and the universities themselves.

The Hon. W. W. Lynch's new bill provides for two things: 1. That all graduates in arts of all Canadian universities be admitted, without examination, to the study of all liberal professions. It is impossible to grant this demand now, as degrees in arts are held by the members of the bar generally, as being given too easily by some universities and as affording no guarantee of competency. Moreover two of our first French colleges grant no degrees, and would be put in a position of inferiority towards other colleges. 2. That the control of the preliminary examination, and the right to regulate the necessary qualifications for admission to study, be withdrawn from liberal professions, and transferred to six State functionaries, three of whom being Catholic, would settle a programme for Catholic candidates, and examine them; and three being Protestants, would settle a separate programme for Protestant candidates and examine them.

The object of such boards is solely to lower the standard of examinations and to give more students to English universities, without considering the consequences of admitting into liberal professions men without classical education, who would not realize the dignity and responsibility of their vocations.

We devoted over fifteen years of hard and persistent work to raise the professions in the public estimation. Efforts are now made to destroy that work before we have yet felt all its beneficial effects.

One word about the convocation of McGill

law faculty, held on Saturday last, as reported in the GAZETTE of the 11th instant.

Four speeches were made. The first by a young man who aspires to become an advocate and who precludes by denouncing the General Council of the Bar, the examination which he seems to apprehend. He, however, "referred to the decided improvement that has been made in the working of the law faculty during the year. It had aroused a continuity of attendance that could not but produce beneficial results." Let him thank for it the regulations of the council, which have not been a stranger to such progress.

The next two speeches were made by serious men—Mr. W. H. Kerr, Q. C., dean of the faculty, and Mr. N. W. Trenholme, Q. C., professor of the law faculty. They spoke of the necessity of strong preparatory and legal studies for Canadian advocates, on account of the high functions to which they may be called as advocates, legislators, judges, etc. "This was a time," said Mr. Trenholme, "that called for educated lawyers; we must have as lawyers men of broad and comprehensive views, men who would execute the laws with honor and dignity."

The dean of the law faculty spoke of the change in the arrangement of lectures; he was happy to see that the attendance was much more regular; he regretted that the public did not seem to consider that the study of law was as important as any other; it is almost impossible to get men to sacrifice their time and labor merely to fulfil a duty; chairs had to be endowed. He then stated that society would sooner or later be convulsed; a contest was coming on that would concern our property and even our liberty; hence the necessity to prepare for the storm by cultivating the study of law. It is impossible to plead more forcibly for good sound classical education and for the study of philosophy, as they develop and strengthen the intellectual faculties enlarge the circle of ideas and attainments, detect error and sophistry, and carry the heart towards all that is grand, good and beautiful.

Sir William closed the meeting. He himself bore witness that, "at this moment the faculty of law is, both in its staff and course of study, better equipped than ever before." He next attacked the council of the Bar, and made a misstatement when he said that the

Council of the Bar had imposed regulations "tending to oblige our faculty of law to conform to *methods* not approved by this university." I repeat it for the tenth time: the Bar regulations impose no *method* whatever of teaching, nor any teaching matter to McGill law faculty, nor to any law faculty whatever. There is no possible excuse for such repeated mistatements, which evidently have but one object in view, namely, to appeal to ignorance and to national and religious passions.

Sir William next repeats his ordinary charges against the Bar preliminary examination, which he denounces, as usual, as infringing on the rights and privileges of Protestants, but in his usual vague and general way. I have nothing to add on that head.

What I wish to draw special attention to is the last sentence of his address. Should the English universities demand of a Protestant board of examiners to admit candidates to the study of all liberal professions be denied, "the case will be one which, in the interests of the Dominion and the Empire and the cause of liberty and progress, must be appealed to our fellow citizens beyond the limits of Quebec."

This is not the language of a serious man, nor of a friend of his country, nor even of a friend of the cause which he pretends to uphold. These threats will not move our population. All nationalities live peaceably together in this province. Englishmen have always been treated by the majority with justice, liberality and even generosity. These ill considered provocations will not much move French-Canadians. Relying on their rights and the justice of their cause they can afford to allow this intemperate language to fall, and Sir William may realize, as the *Mail* did during the last Ontario local elections, that appeals to prejudice and ignorance no longer succeed in this country.

I hold letters from English lawyers, and I have received from educated Englishmen in various social positions, marks of approbation, which show that I have not vainly appealed, at the outset, to the common sense and spirit of fairness so characteristic of Englishmen.

I thank you for your kindness, and now close this, perhaps, too long controversy.

Yours, etc.,

S. PAGNUELO.

Montreal, April 14, 1887.

