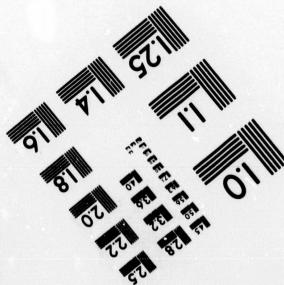
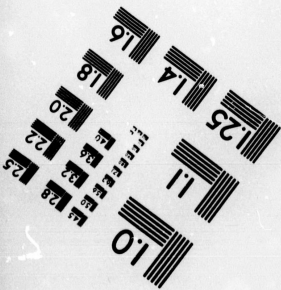
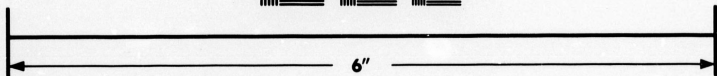
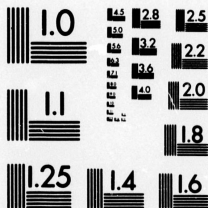


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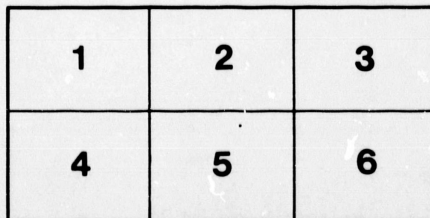
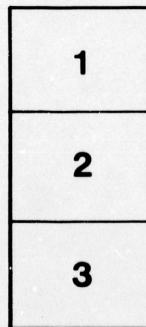
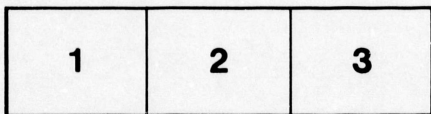
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UNIVERSITIES AND THE PROFESSIONS.

These letters appeared in THE GAZETTE, Montreal, on Wednesday, April 13th, and Friday, April 15th, 1887.

UNIVERSITIES AND THE PROFESSIONS.

TO THE EDITOR OF THE GAZETTE.

SIR,—I venture to ask for space in your paper to remark on the "educational" clauses, if I may so call them, of the Bar act of the last session of the Provincial Parliament.

I am glad to find that public interest is aroused on this subject. It is a hopeful sign, and the discussion cannot but be productive of good results, if "temper" can be kept within bounds. In stating my view of the case I shall endeavor to be as brief as possible.

The Bar act of last session provides :—

1. That the examination of candidates both for study and practice shall be under the control of the "General Council."

2. That three examiners—members of the Bar—are to be appointed by each section of the Bar. But it is in the power of the "General Council" to change this number and the period of their service. These examiners are to be divided into two boards, one for admission to study, the other for admission to practice.

3. In addition to these examiners, the "General Council" may appoint persons selected from outside the profession to assist the examiners in the written and oral examination of candidates for study.

4. Every candidate for study must prove to the satisfaction of the examiners that he has received a "liberal and classical education," and undergo to their satisfaction a "written and oral examination in the subjects indicated in the programme of the General Council."

5. The proceedings and decisions of the examiners cannot be attacked, and all their decisions are final and without appeal.

Such is a short *resumé* of the regulations as to candidates for study.

The questions which arise in the mind in considering these regulations are as follows :

1. What is the constitution of this "General Council" to whom such powers are entrusted ?

2. What is meant by that "liberal and classical education of which the candidate is to make proof; and what is likely to be the nature of the "programme" which the General Council has power to prescribe?

Let us discuss these questions in order:—

1. The General Council is composed of the batonnier and a delegate from each of the sections of Montreal, Quebec, Three Rivers and St. Francis, and of the batonnier of Arthabaska and Bedford, and of each of the sections which may hereafter be established. To this representative body is added the Secretary-Treasurer of the General Council—who is elected by the Council. Thus the present body consists of eleven members, the majority of whom form a quorum, and the president—who is batonnier of the Province—has a casting vote in addition to his ordinary vote. Now, if it be borne in mind that the Protestant population of the Province is as one to six, as compared with the Roman Catholic population, it cannot be considered an unlikely conclusion that the majority of the General Council will always be Roman Catholic, and the Council may be entirely composed of Roman Catholic members. The present Council consists of seven Roman Catholics and four Protestants, the representative batonnier from Sherbrooke being a Protestant. A Roman Catholic has more than once filled this office in Sherbrooke, and a Roman Catholic will undoubtedly be again elected, for I believe, in our happy community, but very little, if any, race or religious jealousy exists amongst the members of the legal profession.

1. But it is well known that the Roman Catholic and Protestant theories of education in this province differ widely, and have so differed for many years before, as well as since, Confederation. It is only necessary, in proof of this assertion, to point to the two committees of the Council of Public Instruction entrusted with the oversight of public education in this province. Applying this recognized fact to the case in point, of the powers given to the General Council of the Bar to prescribe a programme of study, and it will be seen that this programme may be, and most likely will be, based on the Roman Catholic theory of education alone.

A mere enumeration of subjects taught in the schools and colleges might lead a superficial observer to believe that the same system is in force in the schools of each class of the population, but the practical educationist knows that, even in the study of Latin, Greek and mathematics, different systems and different text-books prevail, and that in history, philosophy and some other subjects, fundamental differences exist.

It is not, therefore, unreasonable to conclude that the Bar Act of last session, by the provisions above referred to, unintentionally no doubt, but not the less really, did strike a blow at the system of education in vogue amongst the Protestant minority, and infringed on the rights and liberties of Protestants as guaranteed, or supposed to be guaranteed, at Confederation.

It may be claimed that the Roman Catholic members of the General Council have never infringed, or intended to infringe, on Protestants' rights or privileges, and have invariably treated their Protestant *confreres* with courtesy and liberality. I believe this to be true so far as intention goes, and I am the last man in the world to raise a religious or sectional cry amongst a population so mixed as is that of this province. But I hold that such grave matters should not be left to good will or good intentions. All that is claimed by Protestants is to have equal rights with their Roman Catholic fellow-citizens, and the best way to secure good will is to have the terms of the agreement strictly defined. What is needed, therefore, that there shall be two separate boards of examiners for the examination of candidates seeking to enter on the study of any or all of the professions—one of these boards to be representative of the Roman Catholic system of education, the other of the Protestant system.

In this way, candidates will be examined under the system of the schools in which they have been educated, and the rivalry will be without jar, leading to no feeling of injustice or want of harmony.

The object of combining the examination for all the professions, instead of delegating to each body the power to have its own special preliminary examination is that, for admission to study, all that is really needed is proof of a "liberal education," and it would be impossible in any academy or high school to prepare students for half a dozen different professions, if each professional body demanded a special programme of study. The unfortunate principal of an academy has already quite enough to do to comply with the regulations already in force, demanding the careful teaching of the English language and literature, of Latin, (Greek is optional), but the teacher must be prepared to teach it on the demand of the student), of French, of Euclid, algebra, arithmetic, history, geography, and drawing. Surely, a student who has passed in these subjects, and is thereby enabled to matriculate in

a university, must be pronounced qualified to enter in any of the several technical and special subjects required for professional training. Apart from the different method of teaching, and the difference in text-books used in Roman Catholic and Protestant schools, Roman Catholics give a certain amount of training in their colleges in philosophy." I am not aware to what extent this is carried, but I am informed that it differs materially from the treatment of the same subject in the Protestant universities, where it forms with logic and rhetoric a part of the B. A. course. It is, however, not taught in Protestant academies or high schools. It is treated as an advanced subject, and forms, as above stated, part of the university course.

But if the professional bodies insist on a higher training than is given in the Protestant academies, then let them encourage university training. If students of matured minds are alone to be admitted to the study of a profession, the acceptance of the university degree of B. A. should be acknowledged as a sufficient qualification. The men who have devoted three or four years to abstract studies and passed the B. A. examination, have given the best possible proof of their fitness for entering on technical studies. The Bar declines to acknowledge this, and the medical profession (if the meeting recently held in Quebec be taken as the exponent of the opinions of the whole medical profession) follows suit. It is said that objection is taken to the teaching in some of the French incorporated colleges, and the graduates of the Protestant universities must suffer because of the defects of those institutions. The statement may be true or not, but Protestants have nothing to do with it; it lies out of their control. If true, it supplies another strong argument for separation in examination by two examining boards. The feeling among educated Protestants is that if their universities cannot qualify men to enter on the study of the law, of medicine, of engineering, or the notarial profession, of theology, or of any technical subject, then university education is a mere delusion and universities are useless and costly absurdities. And if this be so, the universities of the civilized world, old and new, should be abolished. The University of London, and the new University of Victoria, in the manufacturing districts of England, the Scotch and Irish universities, are all heavily subsidized by the State. All this is wrong,

the money is wasted, if a university training yields no practical result. Instead of universities, each professional body must, for itself, establish schools and training institutions for the qualification of candidates. Such a result would be, in my humble opinion, to cramp the mind, to reduce it to a mere machine. It would give educational sanction to the "division of labor," under which fourteen different operatives are required to spend their lives in the fourteen different operations involved in the manufacture of a pin.

Such seems to me to be the logical conclusion of the demand, that to each separate professional body, should be committed the power to control and regulate the nature and extent of the education of candidates desirous of entering on professional studies. I have carefully avoided any reference to the other question of the admission to practice, which, as a professional question, only indirectly affects the public. The wish was to discuss each part of the subject on its own merits, and to avoid confounding them.

The only remedy for the evils pointed out is by an amendment to the Bar act, which shall abrogate the objectionable clauses, and substitute regulations, clearly and finally, (I hope) settling the question in the manner I have indicated, so far as the legal profession is concerned, or to make the requisite rules and regulations a part of the educational law of this province.

Yours obediently,

R. W. HENEKER.

SHERBROOKE, April 12th, 1887.

PROFESSIONAL EDUCATION.

TO THE EDITOR OF THE GAZETTE.

SIR,—In my former letter, I limited my remarks to the question of the admission to study. I will now touch upon the other point, not less interesting, but more professional—the regulations as to the admission to practice.

I propose, in the first place, to consider the reasons which must have weighed with the Legislature in granting charters of incorporation to persons engaged in professional pursuits.

All civilized nations have, I believe, felt it to be wise to grant special powers to professional bodies, but such powers are granted, not for the private benefit of the grantees, but because the interests of the public are thereby served.

No one will, I feel sure, gainsay for one moment that great advantages accrue to the public through the incorporation of the professional bodies, to whom are committed, more or less, the lives, the health, the property, and the liberty of the people.

The responsibility thrown on professional men demands care on their part that fitness, and professional character, and honor are maintained.

The principle is not new. Trades, as well as professions, were governed by “guilds” in the middle ages; and even to the present day, in some countries, no man can exercise a trade without serving a long apprenticeship with a master mechanic.

That large power should therefore be given to the professions in this respect, is in my opinion a correct principle, but such powers must be used in the public interest, and they must not run counter to, but be in accordance with other established rights and privileges also granted for the public good.

The question for consideration then may be classed under three heads, viz:—

1. Does the Bar Act give such powers as conflict with the public interest?
2. Does the powers given in the Bar Act run counter to, or encroach on other established rights and privileges?

3. If so, is this encroachment excusable in the public interest ?

It will be seen that I make the " public interest " the ultimate test.

In connection with the first of these questions, it will, I think, be admitted, that it is desirable in the public interest that none but trained minds should enter in the practice of the professions, and it is of importance that there should be training schools for the instruction of candidates in the theory as well as in the practice of the professions.

The only training schools in this province where " theory " can be studied are those founded and maintained by the Universities, —Familiarity with practice is obtained in Law in the office of a practitioner ; in Medicine by attendance in the hospitals.

Each part of the training is important, the one as important as the other—but both together assist in educating the professional man.

Now if the effect of the Bar Act is to close the University Schools by imposing a Curriculum in them which they cannot follow, not the professions only, but the general public must suffer. And this, it is declared, will be the consequence of the committal to the General Council of the Bar of the power of prescribing the course of study to be followed in the Universities ; a course of study be it remembered which does not carry with it any privilege of practice, but simply gives the University graduate the privilege of one year's shortened service with a practitioner—and does not exempt him from the Bar Examination.

The Professors of the two Protestant Universities unhesitatingly declare that the obligation to give 1050 lectures in a three years's course, is neither necessary nor of advantage to the student, and yet involves such a sacrifice of time on the part of the Professors themselves, that very few of the leading practitioners will give the time for the work of preparing and delivering the lectures.

The student also, who has to follow such a course, must give his whole time to his lectures, and thereby lose to a great extent the benefit of his practical training in the courts and in the office of his " patron."

I am quite aware that it is a moot question, but there undoubtedly seems to be " point " in the argument, and it surely cannot

be for the public interest that two out of the three University training schools should be closed to students, and that but one (that one a French University, demanding more or less intimate acquaintance with the French language,) should be left for the study of the theory of the law.

Then, the universities maintain that this power committed to the General Council of the Bar, directly interferes with their rights. They are willing to submit to guidance, in the public interests, from the Governor or Lieutenant-Governor, the head of the State, but they repudiate dictation from a professional body. They will rather close their schools than submit to such dictation.

It must be borne in mind that when mention is made of the universities in this argument, the real objectors are those professional men who form the particular Faculty of the University, with others who value university training as something higher and broader than mere professional training.

If the result of closing these schools be brought about, then the study of law in the universities will be confined to those broad principles of law which every educated man should understand.

Some may argue that this result would be really to the advantage of the public, but, if carried out, must necessarily involve a complete change of system. In such case, the professional bodies must themselves establish law schools, with a staff of professors for teaching the theory of the law, and this will not settle the never-ending dispute between these two systems—except by forcing on the minority the will of the majority.

The answer to my third question is involved in the answer to the other two, and public discussion, not mere professional discussion, seems necessary on this subject.

I am, myself, not prepared to give a definite answer to the principle involved, but it seems to me that due care should be taken—even on the part of an over-powering French majority of the Bar, not to precipitate matters. It is of vital interest to the country that the two sections of the people should live in harmony, without any grievances, real or fanciful, to embitter the relations between the two.

As regards the Universities, I feel that in this new country we must, if we are to hold any position in the world, train our men, and train them highly, for the work we expect of them. And this can only be done through the Universities.

I ask any impartial man, to look at the class of men who govern England to-day—whether known as Conservatives, Liberals or Radicals—such men for instance as Mr. Gladstone, Lord Salisbury, Mr. Goschen, Mr. John Morley, and the late Lord Iddesleigh (Sir Stafford Northcote). Such men are the products of English Universities.

I say then, avoid carefully the weakening of our University system. It is weak enough as it is, and requires the support of men of a high class, as well as of money. In time the ball will gather as it rolls, and we may hope to show a good result from institutions founded in faith and love, and carried on under adverse circumstances with self-denial and hope.

Do not let us weaken its influence, or throw unnecessary impediments in its way.

Your obedient servant,

R. W. HENEKER.

SHERBROOKE, 13th April, 1887.

