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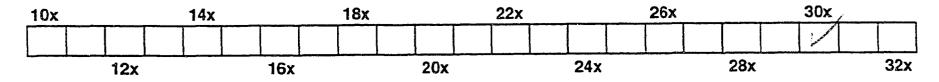
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No. 18.

1st Session, 4th Parliament, 16 Victoria, 1852.

BILL.

An Act to authorize Her Majesty's Subjects to plead and reason for themselves or others in all Her Majesty's Courts in Canada, and to abolish the title or distinction of Queen's Counsel.

Received and Read a first time, Tuesday, 31st August, 1852.

Second Reading, Wednesday, 8th September, 1852.

MR. MACKENZIE,

QUEBEC : PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

BILL.

(18)

ict to authorise Her Majesty's Subjects to plead and ason for themselves or others, in all Her Majesty's ourts in Canada, and to abolish the title or distinction Queen's Counsel.

HEREAS the People of Canada ought to enjoy the right of choosing preamble. their Advocates, Counsel and Attorneys, to plead and reason for

in the Courts of Judicature, with a like freedom from State interce that they now possess in the selection of their Reeves, Town cillors, Mayors and Legislators, and that is possessed by the bers of several influential denominations of Christians, in the choice eir pastors and other spiritual guides: And whereas a close and ful monopoly of the practice at the bar in the Courts of Judicature has long reserved for, and secured to, an exceedingly small but well nized order of licensed Advocates, Barristers, Solicitors and other l pleaders, to the complete exclusion of the great body of the people, of all persons, however well qualified, who may not have studied in a certain prescribed way or place, or become proficients in king the languages of certain ancient nations, and received licenses lead and reason in the Courts on behalf of those who might choose employ them : And whereas there are great differences of opinion, i time to time, among Judges and Courts, as to what is the law in iy very material points, which disagreements may operate to the lusion of candidates for admission to the bar, in case they hold nions at variance with those of the examiners : And whereas the suit of happiness in the free employment of labor, talent, and capital, useful purposes, is a natural right which Governments ought not to ek or interfere with, and the right to reason and plead in the Courts, njoyed by the people, would afford them new and powerful inducents to study and comprehend the laws: And whereas it is manifestly just towards the members of the Bar, that the Crown Lawyers should ve precedence in the Law Courts, in civil suits unconnected with the own business, without reference to their standing, or to the general es which regulate the practice in such Courts : And whereas the title of ieen's Counsel is useless and unmeaning, and it is the interest of the iss of persons who profess to examine and license Lawyers to keep the ral monopoly as close and restricted as possible, the services as imerous as possible, and the tariff of fees as high as possible : And hereas, it is especially unjust to prevent any poor man from availing mself of the aid of learned, ingenious and skilful persons not licensed any cause, to prosecute, appear, plead, pursue, or defend, on his shalf in the Courts of Judicature and there to maintain his right; and

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it is preferable to open the Bar to all, instead of selecting favored individuals and admitting them by special Legislative enactments: And whereas Advocates in the Law Courts are relied on by the people as their protectors against oppression, and the preservers and defenders of civil and religious freedom, and of public and private rights; Be it therefore 5 enacted, &c.,

of age may plead, &c., in any Court.

Title of Queen's Counsel abollished, &c.

Any subject of That any of Her Majesty's subjects, twenty-one years of age, may plead H.M. 21 years and reason in any of Her Majesty's Courts in the Province of Canada, enjoying all rights and privileges therein in as full and ample a manner as these are now enjoyed by Advocates, Barristers, Proctors, Solicitors 10 and Attorneys.

> II. And be it enacted, That the title of Queen's Counsel is hereby abolished; and that no person holding the office of Attorney General, or Solicitor General, shall derive from such appointment or distinction, any precedence or advantage as to the time or manner of bringing for- 15 ward or of conducting cases in his private practice, in the Courts of Judicature.

All enacting a certain number of years standing qualification for office, repealed.

III. And be it enacted, That all Acts or parts of Acts which restrict ments requir- the Executive Government or the people, in their power of appointment or election, by confining their choice of incumbents to Lawyers of five, 20 ten, or any other number of years standing at the Bar, are hereby repealed; at the bar as a and that henceforth no such restriction shall be a bar to the appointment or election of any of Her Majesty's subjects to any legal or judicial office, the duties of which, in the opinion of the proper appointing power, he or they may be considered, in other respects, the most fit and 25 capable to fulfil.