

THE GENERAL PRACTITIONER.

Surviving in all his dignity, yet wondering as to his fate, is the oldest and noblest of lawyers, the general practitioner. At random we say the oldest. It may be that in the origin of the legal profession its members were advisers or advocates to a sovereign power or a special class. In modern times, the lawyer has been primarily the servant of his fellow-citizens, all and sundry. And in our democratic country he has been a citizen of the noblest rank. The general practitioner of law has become an institution. Like other institutional persons, however, such as the general merchant, or the independent banker, he is wondering where he stands.

The law student who graduates to-day, under proper guidance and influential patronage, may escape the problem of establishing and maintaining a practice. He may step directly into the employ of a corporation, or he may find himself in the charmed circle of clients known as financiers. By special favour he may enter the service of a government. The major problem of his professional career solves itself instantly by his acquiring for a *clientele* one big corporation or a group of rich individuals.

The young lawyer who goes out to serve his community and earn his living as a general practitioner faces nowadays a career that is precarious. He well may contemplate the plight of his predecessor who is still in active practice. Daily that dignitary opens his office to receive any fellow-citizen who in distress or perplexity decides to "go and see a lawyer." To one client that office is a sort of temple in which to invoke the Furiæ of the law for the avenging of wrongs he has suffered; to another it is a refuge in time of trouble. The local lawyer must constitute himself an instrument of vengeance for one client, and for another a weeping post. And he must be no respecter of persons.

The commonest duty of a solicitor, young or old, is to collect debts. Collections have been the seeds of litigation, which, in turn, has been the measure of success in many other fields the solicitor may cultivate. A good collector may display his talents in either one of two directions. He may prove himself the ruthless harasser of delinquent debtors, "hard-boiled," as the saying goes, and reinforced, perchance, by a pious disposition which suggests

that debt is but one of the wages of sin. He may, on the other hand, be a diplomat, blessed with a rare combination of insight and firmness. In either case, he has behind him and about him the awful prestige of the Law. The processes of the Courts are at his command, and he may on short notice translate his personal demands into a Writ of His Majesty the King.

Of what force and effect to-day is a Writ designed to enforce payment of debts? The Province of Alberta, according to one observer in Ontario, stands pre-eminent in the progress of Canadianism. "Sometimes," he says, "I am disposed to think there is no part of the Dominion where one can learn more about the coming Canadian than in Alberta." In Alberta the enforcement of a Writ of Execution and the completion of any proceeding that would result in removal or sale of a debtor's goods rest in the absolute discretion of a local Judge. Exemptions from seizure and attachment of goods or choses-in-action are decidedly generous, and in some respects even in that new country are antiquated. Restrictions on the remedies of a mortgagee and a vendor of land also abound. Over a large area a government official has an unprecedented power of veto on any and all measures to collect debts through process of law. If Alberta leads the way, no doubt others are following. In many cases of suit for debt, a judgment of the Court is almost a dead letter and a Writ of Fi. Fa. merely a "dud." The collection of debts, therefore, is falling from the hands of lawyers into those of aggressive agencies composed of laymen, who rely on a routine system of dunning or of organizations that are merely adjuncts to big concerns, which are the primary source of credit. The lawyer as a collecting agent is fast losing business.

In the work of conveyancing, a prerogative from time immemorial of those learned in the law, the general practitioner seeks at least a modicum of his living. The laws of property, real and personal, are within his peculiar sphere of knowledge. In assuming the duties incident to a deal in land or chattels, the solicitor instinctively vests himself with a sense of grave responsibility. He studies forms and precedents, and proceeds circumspectly. Though no personal experience may warrant the idea, he thinks seriously of consequences in terms of damages for any false step.

Current conditions are undermining the pristine dignity of the legal conveyancer. Particulars (as the pleader would say); The Short Forms of Conveyancing Acts; The Land Titles or Real Property Acts, which introduce the Torrens system; The Bills of Sale Acts with forms prescribed; and a dozen or more other enact-

ments all prescribing forms of conveyancing with the saving phrase, in many instances, "or to the like effect"; also, Head Offices of Banks and other institutions which supply their staffs with complete sets of forms for every kind of deal or security, with marginal notes and circulars of instructions for their use; lastly and chiefly, the commercial printers, who distribute most profusely annotated forms for use in all sorts of conveyancing.

The lawyer par excellence in the social realm is that individual revered in all old communities as the family solicitor. His great function in life is to administer estates of the dead. Suffice it to say that the family lawyer is fast becoming a relic of the past, largely because of the Trust Companies.

To the modern lawyer remains still the realm of general litigation. The encroachments on that realm by Boards, Commissions, and other bodies of judicial and quasi-judicial powers would be a topic for long discussion. As Mr. John Dickinson expounds in his recent book on "Administrative Justice and the Supremacy of Law," government of business affairs according to policy is superseding in large measure the administration of pure law. Economic changes, due to science, are calling for regulation rather than adjudication. For economic ills the treatment is one of prevention rather than cure, and this treatment in either case often demands a speed far beyond that of the ordinary proceedings of a Court. It is a significant fact that in those jurisdictions where the Courts of Law may grant divorce the most common form of actions coming up for trial is the action for divorce. In such actions, the remedy granted is speedy and is effectual. Nor for the remedy sought is there open to the litigant any short cut or by-way.

As a leader in public affairs of his community, the local lawyer has long held prestige as a most discerning critic of his fellow-citizens. From intimate knowledge of their private affairs, widened by study of principles underlying business, he sees wherein they fail to measure up to changing conditions of the times. He sees clearly how merchants and others are getting "out of date." He knows and shows how factories, banks and other enterprises long established in his town or city are falling behind in the procession. Last of all does he turn his critical eye upon himself.

Whatever be the practical solution of problems confronting the general practitioner of to-day, in communities large or small, his primary aim must be a humble mind. It is idle to say he is at the cross-roads or at the parting of the ways; rather, he is in a morass, from which the way of escape is still a matter of doubt.

The legal profession as such must survive. At the present time its novitiates may abandon the old beaten paths and depart into fields of finance, insurance, manufacture and commerce, into the broad and easy way of "salesmanship," and even toward farming; but somehow and sometime the strictly professional lawyer will come again into his own. The general practitioner may give way to the specialist; and the course of legal studies may shape themselves accordingly. But the general practitioner of to-day must enquire of his own career whither it is leading.

A. B. Hogg.

Lethbridge.
