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I am aware that the brief remarks I have to make regarding the profession in its relation to the public, are but a recapitulation of discussions held at almost every meeting of this Association. But as they deal with questions which by common consent are basic to the just and beneficial administration of the law, perhaps it is not unfitting that the conclusions already reached should be again reviewed by me.

There has never been a time in chronicled history when the Anglo-Saxon layman has failed to demonstrate his willingness to relieve the profession of the law from a bigoted contemplation of its own greatness, by diluting the alleged solemnity with which we are supposed to regard ourselves, with a cross-current of good natured and sometimes frivolous comment. For centuries, writers have mirrored the popular attitude by appropriate allusions to the more or less genial infirmities with which lawyers are invested. I recall an address of a distinguished guest of this Association, Mr. Silas Strawn, of Chicago, in which he referred to fictional incidents in those days of the old English chancery practice when fees ran high and lawsuits straddled succeeding generations of litigants. In later times, the benevolent commentaries of such writers as Charles Dickens, himself an acolyte of the law, have given place to the more caustic comments of those either with smaller understanding of the profession or with greater justification for dealing more hardly with it. The views of at least a section of the public we must assume, have changed with those of its spokesmen.

I hope there is no lawyer who does not welcome the salutary criticism of those he has elected to serve. Such freedom of speech arises in a sense from the close association of counsel and client;

* Delivered by the Honourable R. B. Bennett, K.C., at the Fifteenth Annual Meeting of The Canadian Bar Association.

without which our work would be denied its real purpose. But there is a distinct difference between the kindly and well-intentioned comment of friends, and the condemnation of those who claim we have no friendship for them. And it is idle to deny that this latter class is either wholly negligible in numbers or entirely destitute of just grounds for complaint. I believe that the Bar of to-day—and I naturally refer without distinction to the several national Bars here represented—compares most favourably with that of other times, in capacity, integrity and in zealous prosecution of its duties. But we are not yet perfect. The ramifications of modern business, the growing opportunities for material gain, the breaking down of the old time prescribed relationship of solicitor and client, have opened the way to a species of public exploitation, pursued it is true by few, but by them pursued to the discredit of their fellow practitioners and to the injury of the public at large. There is, therefore, an obligation upon all of us to see that this frailty of service is removed. How is this to be done? How are we to establish the profession of the law on that ideal basis which justice and equity and the welfare of the community have decreed for it?

We must first of all firmly impress upon those who are wayward to their declaration of trust, the purpose of the calling to which they belong. They must clearly understand the essential place which we have been given to occupy in the scheme of human relationship. They must realize that the lawyer is not a parasite growth upon the body politic, engendered of good times or of bad times, but is at all times the servant of the public, to aid in the settlement of its problems through a fair and impersonal elucidation of those principles of the law by which the conduct of our lives is regulated.

I do not mean, of course, by this, that our value to the public is to be determined in inverse ratio to the measure of our pecuniary compensation. Ability and continuity of effort are rewarded in the profession of the law as in any other profession or business. And he who does the best by his clients, is, as a general rule, the best rewarded. But I do mean that financial reward should come as the consequence of duty well performed, and should not be the main-spring of our professional activities. This rule is well understood and generally acknowledged. But it is the occasional departure from it which prevents the unhesitating and universal acclaim of our profession which we are all eager to, and should, secure.

I know of no better way to compel adherence to the ethical rules with which the practice of the law is buttressed, than for each one

of us to hold these rules constant in the mind of our daily work. The higher our standard of practice, the less likely is it to be down-trodden by the hurrying feet of those who pursue the will-o'-the-wisp of unmerited reward.

I am firmly persuaded that the faults which may be ascribed to us arise not so much from wilful infraction of the code by which we are governed, as by misconception or forgetfulness of the underlying reason for our professional existence. If that is so, the remedy is obvious. In the first place, we must still more strongly impress upon the youth who have chosen to follow this profession, the fundamental principles they will be required to expound. They must understand the law. They must acknowledge the great truths in which it is rooted. They must perceive the splendid place which they may occupy as expositors of its every day application. Only then, will they commence their duties equipped for the highest service and strengthened to resist the temptations which would defeat it.

Once embarked upon his career, the lawyer pursues an unsheltered course. No organization stands ready to absorb his imperfections or to offer itself as a shield against public complaint. He is an individualist in his work, and neither benefits nor suffers from the equalizing effect of bonded co-operation. His work is the antithesis of standardization in production. He may reach beyond the required excellence, or he may fall below the minimum of acceptability.

But because we serve as individuals is no reason why we should not strive collectively towards excellence in that service. And nothing I know of makes for finer performance than united deliberation on the common questions which confront us, and the free and frank canvas of the best ways in which to dispose of them. This Association provides a splendid forum for that debate. Here are gathered members of the profession from all parts of the Dominion. Each province has equipped itself through knowledge of the problems peculiarly concerning it, to prefer valued views on matters of common moment. And there have always been with us, to review our conclusions and to contribute suggestions and advice from the vast storehouse of their experience, distinguished members from the Bars of other countries whose presence has manifested an interest and support for which we shall always be most deeply grateful. Since this Association was brought into being by the inspired efforts of its revered founder, Sir James Aikins, we have been privileged to receive as our guests, gentlemen of the Bench and Bar

whose names resound in the upper reaches of the law, but never has it been given to us to welcome so great and representative a body of jurists and lawyers as those to whom we do honour on this occasion. I think the most definite acknowledgment I could make of our obligation to them is to give way myself to the communications they have come so far to offer us.

There is one other thing, however, which I should like to say. If, as lawyers, we acknowledge our shortcomings—as we do—and study to overcome them—as we do—by steadfast observance of the real purpose behind our profession, then it follows that time will add to our stature as surely as achievement follows upon unflagging effort. In this way the Bar will become, if not an ideal instrument for the upbuilding of a better society, at least a competent guide to direct the wavering through the complex difficulties of this modern age. For from the Bar the Bench is ever recruited. If our civilization endures, the judicial branch of the Government will become more and more important.

A reliant Bar means a reliant Bench. In practice, it is possible to have a strong Bar and a weak Bench, but neither in practice nor in theory is it possible to have a strong Bench unless the Bar is strong too. Given the strength of the latter, it is our solemn duty to maintain commensurate excellence in our judiciary. By tradition we Canadians have a right to it; through necessity, we demand it; and the fine truth is, that our need and the consciousness of that need have given us courts which stand as bulwarks of probity and fair dealing to guard the happiness and prosperity of this land.

It would be both untimely and unfair if I were to qualify the generality of this statement by suggesting that members of the Bar have secured elevation to this higher sphere of service through reasons other than their own true worth. If this is so, we can but regret it, and accept the fact as a warning of the need for greater vigilance in the future. And I, speaking as a member of the Bar and as a member of the parliament of this country, condemn any departure from the only just rule of selection, and state unequivocally that so long as I have power to influence it, the appointment of our judges will be made with regard only to their real qualifications for the exalted position they must occupy in the proper administration of our laws, and upon which, in my humble opinion, in no small degree depends the maintenance of our Canadian civilization.
