

Thirteenth Day.
8 May 1907.

RECIPROCITY AS
TO BARRISTERS.

Dr. SMARTT : No.

Sir WILLIAM ROBSON : That is very important. That shows the necessity of considering the matter in all its bearings.

Dr. SMARTT : The difficulty with us is very strong owing to the fact that the Cape law is founded on Roman Dutch law.

Mr. DEAKIN : I do not suppose it would be possible for the Inns of Court to lay down provisions that would apply to every province and state in the Empire; they would require to deal with the examination or qualifications now required in each and make the necessary provision for supplementing each.

Sir WILLIAM ROBSON : Yes, we are here to consider whether these suggestions should be put into a form susceptible for being dealt with by the Conference as a resolution applicable to all Colonies.

Sir WILFRID LAURIER : There is great difficulty as to that, but the point which Sir Joseph Ward has in mind he has partly reached, because he has shown that the British Government here by legislation or otherwise could admit barristers from the Colonies provided they qualified in a certain standard, but to put it conversely, as you say, that is to say a barrister from one country being admitted in another country, for instance in Canada and in Australia, is a thing that is beyond our power.

Sir WILLIAM ROBSON : I may say that it would be scarcely right for the Conference to pass a resolution which should be binding upon the English profession compelling it or inviting it to give advantages to the Colonies which were not accompanied by reciprocal advantages on the part of the Colonies.

Dr. SMARTT : I take it the Colonies to which Sir Joseph made reference would give reciprocal advantages to the English barrister.

Sir JOSEPH WARD : I have just written this to try to meet it.

Sir WILLIAM ROBSON : I should like to see the resolution and to consider it. I should not like hastily to adopt, especially as representing the English Bar for the moment, any resolution that might by my professional brethren be considered prejudicial to their interests without consulting them.

Sir JOSEPH WARD : That is only fair. I will complete the resolution, and in the meantime I would suggest that as we have had a discussion upon it, it should be deferred until we meet again, because I think it is too important to drop. There may be a certain amount of doubt as to how the profession would accept this resolution of their own—

Sir WILLIAM ROBSON : You must not assume that this paragraph, which is stating what England is prepared to do, or what the four Inns of Court are prepared to do, would be treated by them as adequate if it were passed as a resolution by the Conference, operative against themselves only, and not accompanied by any reciprocal advantages.

Sir JOSEPH WARD : I have that at the end, and I shall read it; after the word "considered" add the words "and that similar terms and conditions