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THE CASE OF MISS FRENCH

Argued Before the Supreme Court on Friday Afternoon.

MAJORITY OF THE JUDGES OPPOSED TO LADY LAWYERS.

Is a Woman a Person Under the Meaning of the Statute.

MISS FRENCH'S ADMISSION WOULD MEAN A CHANGE IN DRESS REGULATIONS.

The case of Miss Mabel French, the St. John lady who has qualified herself for admission as a student at law, engaged the attention of the supreme court for nearly two hours Friday afternoon. There were quite a number of barristers in attendance and the proceedings were followed with great interest and some amusement.

Judging by the tenor of the remarks of the learned judges, it would not be surprising if the court rejected the young lady's application. In that case she can only be admitted an attorney by a special act of the legislature. Judge Hanington is the only member of the court who seems willing that the young lady should be called to the bar forthwith.

So far as New Brunswick is concerned there are no precedents to go by, and it is during the argument that Ontario is the only province in Canada where members of the gentler sex are permitted to practice law. Such a thing was never heard of in England, but in five states of the American union women have the right to practice in the courts. The whole question in regard to Miss French's admission appears to hinge on whether the word "person" used in the statute includes the feminine as well as the masculine gender. There also seems to be some doubt as to whether or not an attorney is a public officer.

A. B. Connell, K. C., presented the case for the Barristers' Society, while Miss French's cause was championed by C. N. Skinner, K. C., and S. B. Bustin.

Mr. Connell stated that he had no argument or opinion to offer in the

The chief justice remarked that if the application was granted and Miss French became a practising barrister, ten years hence some government might appoint her over his younger colleagues to the position he now held. He thought it would not look nice to have a young lady for chief justice.

Judge Barker—She could not be addressed as your lordship.

Mr. Bustin said that lady doctors were permitted to practice in New Brunswick, notwithstanding the fact that the only masculine pronouns were used in the medical act.

The chief justice said there was nothing in English law in favor of admitting a woman to the bar.

Recorder Skinner, who made the closing argument, contended that an attorney was not a public officer within the meaning of the statute as he took no part in the government of the country. He argued that it would be no violation of the common law of the country to admit a woman to the bar. He submitted that the word "person" used in the statutes did not mean males alone but applied to both sexes.

Judge McLeod said that being a lawyer Miss French might some day be appointed a K. C., and holding that position she might some time be ordered to conduct a criminal prosecution. That he held would be taking part in the government of the country.

Judge Hanington said that such a thing was not liable to occur in New Brunswick.

Judge McLeod—I have known it to occur in my own practice.

Mr. Skinner said that at one time King's Counsel were allowed fifteen pounds a year each to conduct criminal prosecutions. That regulation had since become obsolete. Mr. Skinner added that the principle of common law had been greatly broadened in recent years.

Judge McLeod—I don't think this court should establish any new principles of common law.

Judge Hanington thought if the word "person" applied only to males then the appointment of female stenographers was illegal.

Mr. Skinner said that the status of women had changed during the past twenty years. He thought there was too much hedging around the legal profession.

Judge Hanington declared that a lady stenographer was an official of the court.

Judges Barker and McLeod disagreed with Judge Hanington in this. They held that stenographers were servants of the court, not officials.

The chief justice said that it was never contemplated in England that a woman should be admitted to the bar.

Judge Hanington said that it was not contemplated forty years ago that a woman would become a court stenographer. Circumstances have changed in that time.

Mr. Skinner repeated that the status of women had greatly changed in 25 years. She can now carry on business without making her husband liable.

Judge Barker—She could always do that for cash.

The chief justice thought Mr. Skinner's argument would have more weight in the house of assembly.

Judge Hanington thought it quite proper that the case should come before the court.

Judge Barker thought there was no necessity for it whatever.

Mr. Skinner said the legislature had not been appealed to.

Mr. Bustin said he understood there was a lady practising law in Ontario.

Judge Barker said the rules of the Barristers' Society regarding costume would not apply to lady practitioners. They could not for obvious reasons be compelled to wear a coat, waistcoat and white tie, so special rules would have to be adopted and it would be necessary for the legislature to make them. The court would not be justified in making such a radical change.

At the conclusion of the argument the chief justice announced that judgment would be reserved.

MARYSVILLE.

Opening of the Mission at All Saints' Church.

Tomorrow the Mission Services will be held in this church by the Venerable Archdeacon Bryan, B. D., New York, at 3 p. m. and at 7 p. m.

Special music will be sung at both services the evening offertorium being rendered by Mr. W. R. Wilkes.

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