

Sneaking in the Back Door? Social Closure and Private Bills for Entry into Ontario Professions, 1868–1914

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In the late nineteenth and early twentieth centuries, the Ontario legislature received many petitions from individuals who could not meet the requirements for entry to practice established by professional bodies. Petitioners sought legislation that would waive certain requirements and grant them the right to practise regardless. These private bills for entry into Ontario professions might have provided a recourse for members of groups excluded by professional leaders — especially women, men and women of racial and ethnic minorities, the working class, and the lesser educated. An examination of the experiences and backgrounds of petitioners indicates, however, that, while the Ontario legislature eased the ability of the disadvantaged to enter professions in some particular cases, it generally facilitated the entrance of men similar in background to those whom professional bodies sought to recruit.

À la fin du XIX^e siècle et au début du XX^e siècle, la législature ontarienne a reçu de nombreuses pétitions d'individus incapables de répondre aux critères d'entrée dans la profession fixés par les ordres professionnels. Les requérants cherchaient à faire adopter des lois qui les dispenseraient de certaines exigences et leur accorderaient quand même le droit d'exercer. Ces projets de loi privés pour l'entrée dans les professions en Ontario auraient pu offrir un recours aux membres des groupes exclus par les leaders professionnels, surtout les femmes, les hommes et les femmes de minorités raciales et ethniques, la classe ouvrière et les moins instruits. On constate en examinant l'expérience et les antécédents des requérants que la législature ontarienne a facilité l'admission des personnes défavorisées à la profession dans certains cas particuliers, mais qu'elle privilégiait généralement l'entrée d'hommes aux antécédents proches de ceux que cherchaient à recruter les ordres professionnels.

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IN JANUARY 1883, George William Ross petitioned the Ontario legislative assembly for legislation that would grant him the right to practise as a solicitor. In doing so, Ross was in good company. In the late nineteenth and early twentieth centuries, it was possible for people who had received some training in a profession, but who could not strictly meet the requirements for entry to practice established by the professional body, to petition the provincial parliament for legislation that would waive these requirements. In his petition, Ross explained that extenuating circumstances had prevented him from apprenticing as a solicitor for five continuous years as required, and he requested that the legislature compel the Law Society to allow him to take the final examinations for entry to practice. Within weeks, *An Act to authorize the Supreme Court of Judicature for Ontario to admit George William Ross to practise as a Solicitor* was passed.¹

Ross was born in 1841 on a farm near Nairn, Ontario, the son of Scottish immigrant parents. At the age of 16, he obtained his first-class teaching certificate and began working in Middlesex County. After teaching for ten years, he bought and ran a local Strathroy newspaper for three years, before being appointed as a school inspector. Then, at the age of 31, he was elected to represent West Middlesex in the federal House of Commons as a Liberal. While continuing his work as a school inspector and Member of Parliament, Ross undertook the study of law. By early 1883 the 42-year-old Ross was completing his law degree at Albert University in Belleville and was poised to become a solicitor. However, his work as a school inspector and Member of Parliament had prevented him from devoting his time continuously to the study of law, and hence he was not eligible to take the final examinations. With the passage of his bill, Ross successfully entered the profession. He did not abandon his political career, but turned his focus to provincial politics, becoming a Member of Provincial Parliament (MPP) and Minister for Education that year. Ross had a successful career in provincial politics and in October 1899 became Premier of Ontario. Upon the defeat of the Liberal Party in 1905, Ross remained as leader of the opposition for two years. He was named to the federal Senate in 1907 and served there until his death in March 1914. At his death, Sir George Ross (he was knighted in 1910) was hailed as a brilliant scholar, a skilled orator, and an honourable leader of men.² He was a credit to his profession.

1 Archives of Ontario [hereafter AO], Petitions, RG 49-38-2, No. 78, Box 39, "Petition of George William Ross of the town of Strathroy..." (1883); AO, Original Bills, RG 39, Bill 16, Box 34, *An act to authorize the Supreme Court of Judicature for Ontario to admit George William Ross to practise as a solicitor* (1883), *Statutes of Ontario*, chap. 72, 46 Vic. The act required Ross to finish his degree before being eligible to take the Law Society's examinations.

2 "Sir George Ross, Statesman and Liberal Leader, was a brilliant scholar...", *Toronto Daily Star*, March 7, 1914, p 21; "Petition of George William Ross of the town of Strathroy". According to his obituary, Ross had been admitted to the bar in 1887.

In 1907 the Ontario legislature received another petition requesting the waiving of requirements for professional entry from a very different petitioner. Sadie Holmes was a dental assistant from Tillsonburg, Ontario, who had worked for a local dentist and thereby acquired knowledge of dental practice. Tired of earning less than a dollar a day for (illegally) practising dentistry for her employer, and with her newly widowed mother to support, Holmes requested that the Ontario legislature grant her a licence to practise. Even though her petition was opposed vociferously by the dental profession, the legislature granted Holmes's request and passed *An Act to authorize Sadie Holmes to practice Dentistry*. To appease the dental profession, the legislature compelled Holmes to take the final examinations of the Royal College of Dental Surgeons of Ontario (the dentists' regulatory body) by the spring of 1909. Holmes passed these examinations and received a permanent licence to practise that year.³

Holmes's life and occupational history is not nearly as illustrious as that of Ross. In 1877, around the age of two, Holmes immigrated from Ireland to Ontario with her parents and seven siblings, who eventually settled in the London region. Her father, an engineer, passed away several years later, and Holmes and her siblings were raised by her widowed mother and elder sister. When Holmes was a young teenager, her mother Mary married a London watchmaker, widower John Brodie, with four children of his own. All the children in the Brodie-Holmes family contributed to the family's well-being by holding down employment. While her brothers and step-brothers entered the carpentry, watchmaking, and blacksmithing trades, Sadie worked a series of odd jobs, often obtaining employment through her step-father. She found work as a bookkeeper, as a milliner, and also as a dental assistant. Around 1899 John and Mary Brodie moved to Tillsonburg to establish a jewellery store; Sadie Holmes joined them and found work as a dental assistant. When John Brodie died late in 1905, Sadie and her mother were left with little money to live on. Lacking both an advanced education and the money to complete a four-year dental programme, Holmes could not become a dentist through traditional means. After she succeeded in obtaining legislation in 1907, Holmes established a very successful dental practice in Tillsonburg, and was able not only to support her mother, but to build her a brand new house in the centre of town. Sadly, Holmes's life was cut short around the age of 36; she died after an operation for ovarian cancer in 1911. Holmes married her fiancé, lawyer John Mahon, on her deathbed and was buried in Tillsonburg cemetery.⁴

3 *Statutes of Ontario*, chap. 124, 7 Edw. VII; AO, Petitions, RG 49-38-2, No. 59, Box 84, "The Petition of Sadie Holmes of the Town of Tillsonburg in the County of Oxford and Province of Ontario, an unmarried woman..." (1907); "Sadie Holmes Opposed by Dentists", *Tillsonburg Observer*, March 7, 1907, p. 1; "Riotous Scene in Committee", *Toronto Star*, March 7, 1907, p. 1.

4 Sadie's life story was pieced together through the following: *London City Directories*, 1880s-1890s; manuscript census rolls, 1881, 1891, 1901; AO, Microfilm B41b, *Journals of the Legislative Assembly*, vol. 41; "Sadie Holmes Opposed by Dentists", *Tillsonburg Observer*, March 7, 1907, p. 1; "Miss Sadie

Although both Ross and Holmes sought to enter professions through private acts of the legislature, they seem to have had little else in common. Ross was the kind of man professional leaders sought to recruit. He was an ideal professional gentleman: a man of great learning and drive, a scholar, and a leader. Holmes — a working-class, Irish immigrant and poorly educated female — was, in many ways, the antithesis of the professional ideal. She was precisely the kind of person professions endeavoured to exclude when they established high entry requirements.

Holmes and Ross were two of almost 100 individuals who sought to enter professions through the legislature in the late nineteenth and early twentieth centuries. Which of their stories is more typical of the whole? Did the Ontario legislature's willingness to grant admission for aspiring professionals provide a "back door" through which individuals deemed unsuitable by professional bodies could obtain a licence to practise? Or did it generally serve to support the goals of professional bodies by easing the ability of great men to practise professions? An examination of the background and motives of those who sought to enter professions through this route indicates that, while the Ontario legislature eased entry to professions for a few particular individuals, it generally facilitated the entrance of men similar in background to those whom professional bodies sought to recruit.

Professionalization, Social Closure and Ontario Professions

Professionalization is the process through which occupational groups organize and endeavour to obtain status, power, and privileges. In nineteenth-century Ontario, leaders in occupations such as medicine, law, dentistry, and pharmacy — to name but a few of the most successful — formed associations and worked to acquire and extend their power and influence. Professionals lobbied the government for legislation granting occupational practitioners a virtual monopoly of practice in a given area of social life. They pursued campaigns to encourage the public to accept their claims to authority and expertise and to seek out their services, and they restricted access to education and entry to practice. For many sociologists, this latter set of activities — processes of social closure — are those most central to the development of professions.

Exclusionary social closure, pursued by organized occupational groups, entails closing off opportunities for access to knowledge, education, credentials, and practice by drawing on a variety of status criteria.⁵ Social closure is

Holmes' Bill: Noisy Scene in Committee, but Amended Act Passes", *Tillsonburg Observer*, March 14, 1907, p. 1; "Petition of Sadie Holmes"; "Death of Mrs. John Mahon", *Tillsonburg Observer*, October 19, 1911; "Sadie Holmes had Large Practice as a Dentist", obituary, *Toronto Daily Star*, October 21, 1911; "The Late J. W. Mahon", *Woodstock Sentinel Review*, December 1918. Sandi Thompson, a descendent of Holmes's niece and close friend, Mary Nicholson Gardiner, also provided valuable biographical information.

5 Raymond Murphy, *Social Closure: The Theory of Monopolization and Exclusion* (Toronto: Oxford University Press, 1988); Anne Witz, *Professions and Patriarchy* (London and New York: Routledge, 1992).

both an expression and mechanism of power. Privilege and monopoly are predicated on the ability of professional organizations to limit access to training and practice. The main criterion emphasized within professions is education. Only those who have received the prescribed education and training from approved institutions can obtain the right to practise; all others are excluded. As studies have shown, historically, this social closure both implicitly and at times explicitly also entailed exclusions based on race or ethnicity, gender, and class. During the mid-nineteenth century in Canada, women and minority-group men were formally excluded from professions. Even when formal bars were lifted, educational standards and the high cost of training discouraged the entrance of women, minorities, and people from lower-class backgrounds. By recruiting middle- and upper-class men, and shaping professions in accordance with ideals of respectability and knowledge, nineteenth-century professions gradually became high-status occupations with considerable control over practice, as well as a measure of social influence.⁶

In the late nineteenth century, many Ontario professions had made great strides in their pursuit of social closure. Occupations such as medicine (in 1865 and 1869), law (dating from 1797), dentistry (1868), pharmacy (1871), and land surveying (1849, 1887, and 1892) had won legislation granting them the right to set educational standards and to make decisions about who was eligible to practise and who was not. This legislation made practising without the sanction of a professional body a crime. Veterinary surgeons (between 1868 and 1871) had achieved legislation granting them a restricted title; although entry to practice was not restricted, no one who had not completed a formal training course in veterinary science could use the title “veterinary surgeon”. By the mid-1870s, then, a number of Ontario occupations had achieved legislation restricting professional privileges to those who had been formally educated and examined according to standards set by professional leaders.⁷ Professions were more closely and extensively regulated in Ontario

Social closure can take an exclusionary form, discussed here, or a “usurpatory” form wherein subordinate groups work to take back some of the power held by dominant groups. See Frank Parkin, *Marxism and Class Theory: A Bourgeois Critique* (London: Tavistock, 1979); E. G. Grabb, *Social Inequality: Classical and Contemporary Theorists* (Toronto: Holt Rinehart and Winston, 1984). Looked at in a certain light, private bills for entry into professions could be seen as a “usurpatory” response to closure by the excluded.

6 Colin D. Howell, “Reform and the Monopolistic Impulse: The Professionalization of Medicine in the Maritimes”, *Acadiensis* vol. 11 (1981), pp. 3–22; R. D. Gidney and W. P. J. Millar, *Professional Gentlemen: The Professions in Nineteenth-Century Ontario* (Toronto: University of Toronto Press, 1994); Burton J. Bledstein, *The Culture of Professionalism: The Middle Class and the Development of Higher Education in America* (New York: Norton and Co., 1976); Tracey L. Adams, *A Dentist and a Gentleman: Gender and the Rise of Dentistry in Ontario* (Toronto: University of Toronto Press, 2000); Witz, *Professions and Patriarchy*; Mary Kinnear, *In Subordination: Professional Women 1870–1979* (Montreal and Kingston: McGill-Queen’s University Press, 1995).

7 Elizabeth MacNab, *A Legal History of Health Professions in Ontario* (Toronto: Queen’s Printer, 1970); Gidney and Millar, *Professional Gentlemen*; F. Eugene Gattinger, *A Century of Challenge: A History of the Ontario Veterinary College* (Toronto: University of Toronto Press, 1962).

than elsewhere, but professional leaders were not content. Many saw educational standards as too low, and there was concern about “overcrowding”. There were too many professional practitioners given the often limited demand for their services. In response to this overcrowding and to the lack of public respect for professional expertise that underlay it, professional leaders attempted to raise the standards for entry.

In the late nineteenth century and especially the early twentieth, entry to practice was restricted through the raising of matriculation standards and length of training. For instance, entrance into dentistry at first entailed a two-year apprenticeship period and an examination. By the opening decade of the twentieth century, a four-year apprenticeship had to be combined with four years of education at the Toronto college operated by the provincial board. Students could not even undertake training without a high-school education. Other professions went through similar transitions, gradually increasing both matriculation requirements and the length of formal training.⁸ Raising educational requirements served two purposes: it simultaneously limited the number of people entering a profession, while indicating to the public that professionals had superior knowledge and skill.⁹ Thus high educational requirements were mechanisms through which professional bodies pursued social closure — limiting professional practice to a select group of skilled men and thereby increasing the demand and respect for their services.

Their success in achieving social closure was limited throughout most of this period, as professional bodies had difficulty enforcing their legislation and requirements. Many people without formal training or credentials in a field acquired skills informally and entered practice. Illegal practice was common in the late nineteenth century. Professional bodies tried to prosecute illegal practitioners, but doing so was difficult, costly, and time-consuming. Public sentiment was often opposed to professional monopolies; hence people were reluctant to testify against their local practitioners, and judges were reluctant to convict them. Even when a conviction was obtained, the penalty was frequently minor. The threat of prosecution did not effectively prevent illegal practice. Thus, while professions had achieved a great deal of social closure on paper, they could not fully enforce it.¹⁰ Despite limiting access to formal education, credentials, and licences to practise, they could not completely cut off access to practice skills, which had traditionally been passed on through apprenticeship.

8 Adams, *A Dentist and a Gentleman*; Gattinger, *A Century of Challenge*; Gidney and Millar, *Professional Gentlemen*.

9 Magali Sarfatti Larson, *The Rise of Professionalism: A Sociological Analysis* (Berkeley: University of California Press, 1977); Beth Rushing, “Market Explanations for Occupational Power: The Decline of Midwifery in Canada”, *American Review of Canadian Studies*, vol. 21 (1991), pp. 7–27; Howell, “Reform and the Monopolistic Impulse”; Gidney and Millar, *Professional Gentlemen*; Adams, *A Dentist and a Gentleman*.

10 Gidney and Millar, *Professional Gentlemen*, pp. 248–267, 190–293.

Some of those excluded by the entry requirements imposed by professional bodies sought to circumvent them by petitioning parliament. The Ontario legislature was generally willing to provide assistance.¹¹ Between 1868 and 1914 the legislature received 107 petitions requesting legislation that would waive requirements for entry into professional practice, most before 1908. A few additional petitions (largely continuations of those presented earlier) did result in legislation between 1908 and 1914.¹² These petitions were written on behalf of 92 petitioners. They resulted in 99 private bills, of which 63 passed. Overall, 92.5 per cent of petitions resulted in bills, and 63.6 per cent of bills resulted in legislation. Although petitioners sought entry into a range of nineteenth-century professions, over half (55, or 58 per cent) aspired to a branch of law, and an additional 20 per cent (or 19 individuals) sought to enter dentistry. The remaining petitions pertained to medicine (7), pharmacy (5), veterinary surgery (5), and land surveying (3). There was considerable variability in the petitions with respect to the concessions sought. Many asked the legislature to waive a single requirement for entry to practice, most commonly one pertaining to the length and nature of professional training and education. Nevertheless, some petitions requested the waiving of virtually all requirements and the granting of the right to practise a profession outright. In their petitions to parliament, individuals outlined the circumstances that had led to their requests. Many petitioners argued that they had tried to meet the requirements set by professional bodies, but due to extenuating circumstances or oversights could not do so, while others held that they had sufficient training that professional bodies would not recognize.¹³

While some of these petitions were tolerated by professional bodies, many were strongly opposed. Professionals objected to the state's interference, believing that only they had the right to determine who had sufficient expertise to practise competently and safely. Many legislators were sympathetic to this position, but most tended to support private bills for entry into professions until the opening decade of the twentieth century. Legislators debated the claims to competence and the circumstances of applicants; if they determined that a petitioner was competent and of good character, they typically passed the legislation put before them. Around 1908 state support for private bills circumventing professional requirements waned. At this time, politi-

11 It is difficult to determine the extent to which the Ontario government was unique in this respect, because there is a dearth of literature on this subject. Certainly, private bills for entry to professions were entertained in Quebec as well, and whether this practice was more common in Canada than elsewhere is unknown. Certainly, Ontario was more active in regulating professions than many American states and tended to regulate a wider range of professions than did Britain.

12 Although most legislation occurred before 1914, the government did pass 10 more acts facilitating individuals' ability to enter professions between 1915 and 1927.

13 These justifications are outlined in more detail in Tracey L. Adams, "Legislating Professionals: Private Bills for Entry to Practise Professions in Ontario, 1868–1914", *Journal of Historical Sociology*, vol. 18 (2005), pp. 172–200.

cians grew more accepting of professional authority and expertise, and hence more supportive of professional regulations restricting entry to practice.¹⁴

A closer look at these private bills for entry into professions sheds light on processes of professional social closure in nineteenth-century Ontario. To what extent did the legislature's willingness to grant concessions to petitioners limit the ability of Ontario professions to obtain social closure? Were private bills a recourse for women and working-class or minority-group men excluded by formal entrance criteria? Or did the legislature's actions serve professions by facilitating the entry of "respectable" men who might otherwise be excluded on a technicality? To answer these questions, I examine who, precisely, pursued private bills for entry to practise professions, and when and why they did so.¹⁵

Petitioners for Private Bills for Entry to Practice

Background information on most petitioners for private professional legislation is available through petition and census records. From these sources, one can compile a composite picture of the typical or average petitioner across the period under consideration. On average, petitioners were men, 37 years of age, of British heritage, who had received some formal training in a profession. The backgrounds of early petitioners are not noticeably different from those of later petitioners, although most early petitioners sought entry into law, while petitioners from the 1880s onward sought entry into an array of professional occupations. At first glance, then, petitioners appear to resemble those who entered professions through the standard route, except for their age (see Table 1 for a breakdown of petitioners' ages). Although there is little comparable data on age at entry to practice available for those entering professions through conventional routes, in an earlier study, I calculated the average age at entry into dental practice at 25 (petitioners for entry into dentistry had an average age of 36). Similarly, W. P. J. Millar, Ruby Heap, and R. D. Gidney estimate that those graduating from the University of Toronto and entering medicine, dentistry, and engineering between 1910 and the

14 Further, in the opening decades of the twentieth century, professions worked to establish reciprocity agreements to ease the ability of those trained outside the province to obtain a licence to practise. These agreements contributed to a lower demand for private bills. For a more detailed discussion of changing legislative attitudes towards private bills for entry into professions, see Adams, "Legislating Professionals".

15 Research for this project entailed an analysis of all the petitions for private bills for entry into professions presented in the Ontario legislature between 1868 and 1914, the period during which the vast majority of petitions were presented. Copies of all available petitions, many of the bills introduced, and the final resulting legislation were obtained through the Archives of Ontario. These documents were augmented by a reading of *Newspaper Hansard* for the period under investigation, as well as articles written about these bills and published in the *Toronto Star*. Information on petitioners was garnered through a reading of the petitions and bills, as well as the rolls and records of the Ontario census, 1871–1901.

Table 1 Average Age of Petitioners, 1868–1914

Profession sought	Average age
Lawyer	37.4
Chemist/Pharmacist	36.4
Dentist	36.1
Land surveyor	25.7
Medical doctor	38.6
Veterinary surgeon	53.6
Total	37.4

Source: Archives of Ontario, Petitions, RG 49–38–2.

1950s were in their early to mid-twenties.¹⁶ These studies suggest that petitioners were, indeed, noticeably older than those entering professions through the conventional route.

While the average petitioner seems to have been similar to the average professional entrant in many respects, averages can hide considerable internal variation. A close examination of the petitioners themselves helps us to determine whether private bills facilitated entry into professions among women, minorities, members of the working class, and the poorly educated.

Women and Minority-group Men

There is little evidence that the Ontario legislature's willingness to waive requirements for professional practice for some petitioners fostered the entrance of women and minority-group men. During the 46-year period of focus here, the legislature entertained only one petition from a woman and only two from visible-minority men seeking entrance into a profession. While many petitioners were from minority ethnic backgrounds, private bills enabled very few disadvantaged by their background to gain entry to practice. The circumstances of these petitioners reveal that, while the legislature did occasionally support the claims of specific individuals, it in no way acted to encourage entry to practice among minorities.

The circumstances leading to Sadie Holmes's petition have already been outlined. Holmes was the only woman to petition for such professional legislation in Ontario. While Holmes could not enter the dental profession through the traditional route, her socio-economic status and education proved to be her biggest stumbling blocks, not her gender. Ontario dentists had admitted their first licensed female practitioner in 1894, and two additional female

16 Adams, *A Dentist and a Gentleman*, p. 127; Wyn Millar, Ruby Heap, and Bob Gidney, "Degrees of Difference: The Students in the Three Professional Schools at the University of Toronto, 1910 to the 1950s", in R. Heap, W. Millar, and E. Smyth, eds., *Learning to Practise: Professional Education in Historical and Contemporary Perspective* (Ottawa: University of Ottawa Press, 2005), pp. 155–187.

dentists had obtained licences to practise by 1907. Holmes's predecessors had all attended the Royal College of Dental Surgeons in Toronto, affiliated with the University of Toronto, and followed the prescribed requirements for entry to practice. Unable to meet these requirements, Holmes petitioned parliament.¹⁷ Her petition caused quite a stir both within the legislature and without. The sight of a female lobbyist at parliament was rare enough to generate media attention. Dentists were particularly disturbed by the bill. The president of the board of the Royal College of Dental Surgeons of Ontario, Harry R. Abbott, warned that, if legislators passed the bill, they would be inundated with similar requests from other women: "[T]here are 300 or 400 lady [dental] assistants through-out the province who are just as well qualified and would have the same right to ask and be made dentists."¹⁸ Legislators apparently doubted that the bill would open the floodgates, and in discussing her case they made it clear that Holmes was an exception. By 1907 legislators had begun to oppose private bills for entry into professions on principle, because they violated established educational standards.¹⁹ However, despite this general sense of opposition, some legislators felt duty-bound to assist Holmes as a woman. As one Member of Provincial Parliament, Mr. Clarke, argued, "75 per cent of the applications of lawyers, doctors, etc., had gone through, and now that a young and charming lady had made an application at last, they oughtn't to hesitate a moment."²⁰ Even Premier Whitney, who had publicly spoken against the practice of passing private professional legislation, was clearly sympathetic to her case. After a raucous debate in the House, Holmes's bill narrowly passed, and she was made a dentist. Nevertheless, in passing her bill, the legislature made it clear that in the future similar bills would not be regarded favourably. Holmes's success in obtaining legislation did not open the door for other women in similar circumstances, nor did it significantly affect dentists' efforts to achieve social closure and maintain their standards.²¹

Just as petitions from women were rare, so were petitions from visible-minority men. The first minority-group petitioner was Delos Rogest Davis, an

17 Adams, *A Dentist and a Gentleman*, pp. 148–151.

18 Dr. H. R. Abbott, quoted in "Miss Sadie Holmes' Bill: Noisy Scene in Committee, but Amended Act Passes", p. 1. Many dentists opposed to the bill tended to question Holmes's claims to expertise. Dental assistants generally did not have the opportunity to acquire the full range of dental practice skills. Yet there seems little doubt that Holmes had been taught to practise by her dentist employer, in violation of the law. Legislators were convinced of this, as were some members of the dentists' regulatory board who had already censured Holmes's employer (Dr. Melvin Crooker) a few years previously for allowing his assistants to practise dentistry without a licence.

19 For a discussion of the rise of opposition to private bills for entry into professions during this era, see Adams, "Legislating Professionals", pp. 187–190.

20 Mr. Clarke, quoted in "Miss Sadie Holmes' Bill: Noisy Scene in Committee, but Amended Act Passes".

21 Those women who entered dentistry after Holmes, including her cousin Mary Nicholson Gardiner, who had worked as her dental assistant, met all of the profession's requirements.

African American who in 1884 appealed to parliament for the right to take the examinations to practise as a solicitor. Davis petitioned again in 1886 for the right to become a barrister. The other petition was from William Smith and other Chiefs of the Six Nations reserve in Brant County, who sought legislation in 1889 to enable one George W. Hill to practise medicine without passing the prescribed examinations. According to the petition, Hill, “an Indian of the Six Nations reserve, has become very skilful in treating diseases by Medicine manufactured by him from roots and herbs only and has been the means of accomplishing much good therewith”.²² Hill’s appeal did not follow the proper procedure for parliamentary petitions and hence did not proceed.²³ It seems unlikely that the petition would have resulted in legislation in any case. The legislature was reluctant to waive requirements for entry to practise medicine, even for petitioners with medical degrees; hence the legislature would likely not have seriously considered a petition on behalf of someone with no formal medical training, who may have been illiterate (Hill was not one of the 28 signatories to his petition, of whom 14 signed with an “X”).

Unlike Hill, Davis was successful in obtaining legislation. His petition details his hardships in obtaining training in the law during an era when men of colour were formally excluded from the profession. Finding no one with whom he could serve an apprenticeship, Davis worked very hard to acquire training and knowledge on his own. His petition documents a remarkable occupational history. After working as a school teacher for several years, Davis succeeded in obtaining a position as a Commissioner in the Court of Queen’s Bench at Toronto and as a notary public in his mid-twenties. From 1873 he devoted himself to the practice and study of law through his work as commissioner, as notary public, and as “a Division Court advocate, general loan and insurance agent, arbitrator of claims, appraiser of title deeds, and as attorney in faith in many important matters”. Davis had even been made treasurer of the township of North Colchester and town clerk in the early 1880s. Through his work and study, Davis managed to acquire “a good general and practical knowledge of the law”. Despite all of this effort, “from causes beyond his control and which he attributes to colour prejudice, he [was] unable to become properly articulated to a practising attorney”, as required for entry to practice.²⁴

22 AO, Petitions, RG 49–38–2, No. 224, Box 52, “Petition of William Smith and others of Brant praying that George W. Hill, an Indian of the Six Nations may be permitted to practice medicine” (1889).

23 Sufficient notice of petitions had to be given for them to result in legislation. Hill’s petition was not reported by the Committee on Standing Orders, and hence it seems that notice of the petition had not been given in the *Ontario Gazette* and a local newspaper for four weeks as required.

24 Quotations and information on Davis’s career are taken from AO, RG 49–38–2, Petitions 1884, No. 198, Box 41, “Petition of Delos Rogest Davis of South Colchester praying that an Act may pass to authorize the Supreme Court of Ontario to admit him to practise as a solicitor”; additional information found in AO, Original Bills Series, RG 49–39, Bill 37, Box 41, *An Act to authorize the Law Society of Ontario to admit Delos Rogest Davis as a Barrister at Law* (1886), *Statutes of Ontario*, chap. 94, 47 Vic.

Taking into account his extraordinary effort, accomplishments, character, and informal training, the legislative assembly passed an act granting the 37-year-old Davis the right to take the final examinations to practise as a solicitor. When the Law Society refused to allow him to take further examinations to become a barrister in 1886, he petitioned parliament again and won the right to do so. It is clear in Davis's case that the legislature did act to override the exclusion enacted by the Law Society. However, its actions did not change the Society's exclusionary practices, but merely made an exception in this instance. His case, like that of Holmes, did not open doors for others to follow his path. Minority-group men and women had difficulty obtaining even informal access to professional skills. The fact that barriers still remained is evidenced by the fact that the next African-Canadian lawyer in the province appears to have been Delos R. Davis's son, Frederick Homer Alphonso Davis, who, able to apprentice with his father, became a lawyer in 1900.²⁵

The experiences of Davis and Holmes indicate that the legislature did not provide women and visible-minority men with an avenue towards professional entry more generally, but that it did occasionally enable the exceptional individual to circumvent professional requirements. Is the story any different when we focus on ethnicity? As Table 2 indicates, the majority of petitioners claimed English, Scottish, or Irish origins. Only 14 petitioners are known to have claimed an ethnic background outside these categories (the ethnic background of eight petitioners is unknown).²⁶ Although it is difficult to obtain a clear picture of the ethnic background of professionals generally during the period, Gidney and Millar suggest that in the late nineteenth century Ontario professionals were predominantly British.²⁷ It thus appears that the ethnic background of petitioners for private bills was quite similar to that of professionals as a whole. Not all petitioners, though, had equal success in gaining entry into professions. Looking at the petition success rates (also in Table 2), we can see that the English appear to have been slightly more likely to be successful in obtaining legislation than those claiming Irish, Scottish, or German origins; however, the small number of cases in many categories makes it difficult to compare success rates with accuracy. Overall, it seems possible that private bills opened up some opportunities for professional practice to individuals from more marginal ethnic backgrounds, but the total number of successful individuals was small.

25 Delos Rogest Davis, *Walkerville Times* [available online], www.walkervilletimes.com/black-lawyer.htm (accessed January 2005); Constance Backhouse, *Petticoats and Prejudice: Women and Law in Nineteenth-century Canada* (Toronto: Women's Press, 1991), pp. 300, 427, n. 19; Julius Isaac, "Delos Rogest Davis, K.C.", *Law Society Gazette*, vol. 24 (1990), pp. 293–301. It is generally claimed that Davis was the first black lawyer in Canada, but Ian Malcolm holds that Robert Sutherland preceded Davis in the profession by over 30 years. See Ian Malcolm, "Robert Sutherland: The First Black Lawyer in Canada", *Law Society Gazette*, vol. 26 (1992), pp. 183–186.

26 Information on petitioners was taken from Canadian census records (1871, 1881, 1891, 1901) and the parliamentary petitions.

27 Gidney and Millar, *Professional Gentlemen*, pp. 383, 196.

Table 2 Ethnic Origins of Petitioners, 1868–1914

Ethnic background	No. petitioners	No. successful
English	36	23
Irish	22	13
Scottish	12	6
German	6	3
French Canadian	4	3
African	1	1
Austrian/Jewish	1	0
Dutch	1	1
First Nations	1	0
Unknown	8	4
Total	92	53

Source: Archives of Ontario, Petitions, RG 49–38–2.

Class

Research has demonstrated that in the nineteenth century professional leaders strove to recruit practitioners from the prosperous echelons of society.²⁸ Moreover, professional education required a significant monetary and time commitment that discouraged the entrance of those of lesser means. Did private bills for entry into professions provide a recourse for those with fewer economic resources? Answering this question is somewhat difficult, because it is hard to assess the socio-economic status of petitioners. One of the standard ways of measuring socio-economic background is to consider the father's occupation. However, it has been possible to trace the fathers of fewer than a quarter of petitioners. These records can be augmented by additional census data that provide the occupations of petitioners' brothers.²⁹ In all, though, I have compiled family occupation information for only 32 petitioners (just over one-third of the total). As Table 3 illustrates, 18 individuals had relatives who were farmers or in trade (for example, watchmakers, blacksmiths, carpenters, plasterers, and engravers). Eight individuals had family members in occupations that can be labelled "professional" —those studied here, by and large, including physicians, lawyers, veterinary surgeons, and dentists, as well as a retired army officer. The remaining few had relatives in a variety of occupations. These data suggest that petitioners came from less prosperous socio-economic backgrounds than professionals in general, although the evidence is not conclusive, since data are lacking for two-thirds

28 Larson, *The Rise of Professionalism*; Howell, "Reform and the Monopolistic Impulse"; Gidney and Millar, *Professional Gentlemen*; Adams, *A Dentist and a Gentleman*.

29 The occupation of an individual's brother is a reasonable substitute in this instance. Petitioners with family members in trade likely came from a lower socio-economic background and had fewer economic resources than those whose relatives were in professions.

Table 3 Occupation of Petitioner's Father or Other Family Members

Family member's occupation	No. petitioners	No. successful*
Farmer	10	9
Trade	8	3
Professional	8	7
Business	2	1
Other:		
Sheriff	1	1
Division court clerk	1	0
Light keeper	1	1
Railway	1	1

* Average success rate for this sub-sample is 71.9%.

Sources: Archives of Ontario, Petitions, RG 49-38-2; Canada Census, 1871, 1881, 1891, 1901.

of petitioners. Gidney and Millar found that nineteenth-century professionals typically came from prosperous professional or merchant backgrounds, and very few had fathers engaged in trades.³⁰

A second way of assessing the class background and financial circumstances of petitioners is to consider the number of people who claimed in their petitions to parliament that their limited finances prevented them from entering professions in the standard manner. Twenty-two petitioners (24 per cent of all petitioners) explicitly mentioned financial circumstances and hardship when outlining the reasons for their petition. It is clear that many petitioners did not have the financial means to undertake or continue professional training. For instance, 38-year-old Eugene Hutchinson Long of Waterford explained in his 1887 petition that, while he “has been a lover of the science of law ... from a combination of adverse circumstances he has been financially unable to enter an office and pursue such a course of study as is usually required of a student at Law”. Long had worked for some time as a court clerk and had studied the law on his own, and he requested that the legislature compel the Law Society to let him take the final examinations for entry to practice.³¹ Other petitioners could afford to begin training, but not to complete it, often because of the death of their fathers or other reverses in family circumstances. Some emphasized the difficulty of undertaking training when they had a family to support. As we have seen, the average age of petitioners was 37; many had wives and children or other family members to support and

30 Gidney and Millar, *Professional Gentleman*, pp. 196–200.

31 AO, Petitions, RG 49-38-2, No. 81, Box 45, “The petition of Eugene Hutchinson Long of the Village of Waterford in the County of Norfolk” (1887). Long was listed as a watchmaker in the 1881 census.

held that they could not afford a lengthy course of formal training. A few petitioners also claimed that they could not undertake additional training without jeopardizing their livelihoods. For instance, W. H. L. Gordon, a Toronto barrister, and Walter Coate, a pharmacist from Rat Portage (now Kenora), held that taking time out from their practices to get proper credentials would do irreparable damage to their businesses and careers.³² Overall, while some petitioners were clearly in more dire financial straits than others, many pursued private bills because they could not afford to undertake a full course of formal professional training. Hence it would seem that private bills were sought by at least some in disadvantaged economic circumstances who were otherwise prevented from entering professions.

Did the legislature counteract the exclusion of those in poorer economic circumstances from professions? Certainly, many of those people from poorer backgrounds who applied to the legislature succeeded in winning legislation. Of those who mentioned financial circumstances in their petitions, 13 of 22 or 59 per cent were successful; however, those (like Long) who claimed that financial hardship had prevented them from getting sufficient training typically failed to obtain legislation. Further, as Table 3 illustrates, petitioners with family members in trade were much less likely to succeed than those from farming and professional backgrounds, suggesting that many from lower socio-economic backgrounds were still at a disadvantage in gaining access to professions, even through the parliamentary “back door”.³³ Thus, while the legislature provided opportunities for some people who could not afford formal professional training and thereby counteracted professional social closure to some extent, it does not appear to have done so to any great degree. The number of individuals in substantial economic difficulty who managed to get into professions through this route was small.

Education

As noted, the primary mechanisms of social closure within professions are educational requirements and credentials. None of the applicants for private bills for professional entry had strictly met professional bodies’ requirements for training and education, and all sought to have at least one of these requirements waived. Private bills for entry to practice did therefore provide an opportunity for those without the required education to enter and practise

32 AO, Petitions, RG 49–38–2, No. 59, Box 12, “Petition of W. H. L. Gordon of Toronto praying that an Act may pass to authorize the Law Society to admit him as an Attorney at Law” (1871–1872); AO, Petitions, RG 49–38–2, No. 1, Box 43, “Petition of Walter D. Coate of the town of Rat Portage praying that an Act may pass to authorize him to practise as an apothecary or chemist and druggist” (1886).

33 Those who came from professional backgrounds had the additional advantage of access to professional skills. Many acquired professional training informally, working with their relatives. The legislature was quite often willing to legislate in favour of the informally trained, as long as they appeared competent.

professions, and thereby counteracted the efforts of professional leaders to achieve social closure and restrict entry to practice, at least to some extent.

Nevertheless, not all petitioners lacked education. As we have seen, at the time of his petition, George W. Ross was finishing a bachelor of laws degree and had undergone a significant amount of apprenticeship training. John Henry Gorman, who sought to have requirements waived to ease his entry into dentistry in 1904, had attended the University of Ottawa for four years, completing a diploma in commerce, and held a Doctor of Dental Surgery degree from an American college.³⁴ While Gorman's education did not meet the requirements of the Royal College of Dental Surgeons, he was clearly not "uneducated". Similarly, William Roger Pringle, petitioner for legislation in 1900, had obtained the degrees of Doctor of Medicine and Master in Surgery from McGill University. Even so, the College of Physicians and Surgeons of Ontario refused to grant him a licence to practise.³⁵ These four men were not exceptional. Roughly 30 per cent of petitioners had, like Pringle and Gorman, obtained professional training outside the province. Many others like Ross had undergone most of their training, but were prevented from writing their final examinations on the basis of minor deviations from the rules and technicalities. Hence many people applying for bills were trained and educated, but for one reason or another could not meet the rigid requirements established by professional regulatory bodies. In this context, private bills for entry into professions can be seen as aiding the efforts of professional bodies to recruit only the best. Sometimes recruiting the best entailed making exceptions and circumventing particular requirements.

While the majority of petitioners had obtained a fair amount of education, 36 per cent of them had only practical knowledge of the profession they sought to enter. These petitioners, like Sadie Holmes, had acquired practice skills through working alongside employers and relatives, but lacked the more esoteric, formal education deemed necessary by professional bodies. Petitioners with only practical training were most common in dentistry, veterinary surgery, pharmacy, and law — occupations that in the nineteenth century placed emphasis on apprenticeship training (in combination with formal education). While professional leaders held that practical knowledge of an occupation was insufficient, in the late nineteenth century legislators tended to have a different view of the issue. As long as a person appeared competent, some MPPs claimed, "[I]t don't make a bit of difference where he gets his knowledge."³⁶ Someone with practical knowledge could still be competent to

34 AO, Original Bills, RG 49–39, Bill 53, Box 102, Draft of *An Act enabling and directing the Royal College of Dental Surgeons for Ontario to admit John Henry Gorman as a student in his final year*, 1904; *Statutes of Ontario*, chap. 104, 4 Edw. VII.

35 AO, Petitions, RG 49–38–2, No. 245, Box 71, "The Petition of William Roger Pringle, of Port Arthur, in the District of Thunder Bay in the Province of Ontario" (1900).

36 Comments made by Dr. Jessup, MPP, in "A Close Corporation, the Law Society, Gets a Check", *Toronto Star*, March 13, 1906.

practise. Many, both within the legislature and without, regarded professional regulations as unnecessary and unfair barriers to practice,³⁷ and legislators were willing to legislate for petitioners who appeared competent even though they lacked formal education and training. It appears that legislators believed professional bodies to be too exclusive and therefore intentionally sought to temper, through private legislation, professional social closure.

Public and political suspicion of professional privilege and regulation, combined with professional leaders' commitment to social closure and high educational requirements, created a context conducive to private bills for entry to practice. The raising of educational requirements during the nineteenth century sometimes trapped individuals attempting to enter professions, and both the public and politicians were often sympathetic to their plight. For example, James Fleming and Archibald Bell were barristers who sought to become attorneys, but ended up petitioning parliament (in 1872 and 1868 respectively) after the training period for entry to practice was raised from one year to three. Each had entered into articles of training before the law had changed and found it difficult to alter their plans. Similarly, William Charles Kaake had apprenticed in dentistry in the late 1870s and practised independently (and illegally) in the early 1880s. Kaake intended to present himself for examination and formal training, but, before he could do so, the matriculation standards for professional entry were raised substantially, and he no longer qualified. In response he sought a private bill. The legislature tended to support professional requirements in these instances; of the three men mentioned, only Fleming won legislation that released him from having to meet the new requirements.³⁸

When they raised entry requirements, professional bodies limited entry to professional practice without necessarily cutting off access to professional skills. As long as local training was accessible, then some individuals would find themselves with the skills, but no licence, to practise. Their main recourse was to petition parliament. Overall, though, only 16 petitioners who lacked formal professional training succeeded in winning concessions, and 10 of these individuals had to pass professional examinations before being admitted. Legislators demonstrated substantial support for the regulations established by professional bodies, despite their concern that professions were often too restrictive.

Between 1868 and 1914 the Ontario legislature did allow a number of individuals to enter professions who did not have the education deemed sufficient for practice by professional bodies. Nonetheless, one can question the impact these admissions had on the professions themselves. Most people who

37 Gidney and Millar, *Professional Gentlemen*, pp. 311–321.

38 AO, Petitions, RG 49–38–2, No. 179, Box 2, “Petition of Archibald Bell of the City of London...” (1868); AO, Petitions, RG 49–38–2, No. 101, Box 12, “Petition of James Fleming of the Village of Brampton in the County of Peel” (1871–1872); AO, Petitions, RG 49–28–2, No. 7, Box 44, “Petition of William Charles Kaake of the Village of Pinkerton...” (1887).

applied for private bills had extensive formal and practical training. Only some of those without such training succeeded in winning legislation waiving requirements. The legislation thus in no way encouraged an influx of uneducated people into Ontario professions.

Conclusion

George Ross and Sadie Holmes can be placed at polar ends of a continuum of people who sought to enter professions through private acts of the Ontario legislature between 1868 and 1914. At one end, Sir George Ross was a learned, accomplished man, whose distinguished career interfered with his ability to follow the letter of the law respecting professional training. At the other end, we find Sadie Holmes, also accomplished in her own way, but with neither advanced education nor a particularly distinguished work history. Most applicants for private bills fell in between. Private legislation for entry into professions neither excluded all but the most prominent men, nor did it encourage the entry of the socially marginalized. Rather, it provided an opportunity for individuals who had acquired some professional training, but who could not meet professional regulations precisely, to practise professions legally.

While a number of men and one woman from disadvantaged social backgrounds were successful in gaining entry into professions through private bills, they were relatively few in number. Moreover, in most instances, the government left the final decision with the professional bodies: the legislation of 43 successful petitioners (68 per cent) granted them the right to take a professional entry exam; only 20 (or 32 per cent) were granted entry to practice outright. Overall, while private professional legislation sometimes provided a "back door" through which people excluded by professional bodies could enter practice, it quite often facilitated the entrance of men similar to the professional ideal in terms of their ethnicity, education, and class.

In effect, the Ontario legislature's willingness to pass private bills granting concessions to individuals seeking to enter professions did interfere with the efforts of professional bodies to achieve social closure and did limit professional power during this period. Several individuals formally excluded through the regulations established by professional bodies gained entry to practice. During much of this era, high entry requirements found favour with neither the Ontario public nor most politicians. Professions were often viewed as monopolistic bodies seeking their own gain at the expense of others. In this context, the government's willingness to legislate for those excluded may have actually benefited professions in the long run, likely curbing public opposition to professional privilege by moderately broadening access to professional practice. At the same time, though, the state maintained the social inequalities that professional leaders were trying to reproduce through social closure. Legislators, like professionals, tended to favour people from dominant ethnic and social groups. Legislation, then, facilitated the entry of people into professions who approximated the professional ideal

in terms of their education, gender, class, and ethnicity, even as it made room for the occasional exceptional practitioner.

It is difficult to determine the extent to which Ontario was unique in its willingness to legislate in favour of individuals seeking to enter professions in this manner. The province did have more extensive legislation regulating professions than was typical in the United States, in particular. Ontario professions exerted more social closure than professions in the United States, and selected professions like dentistry were more closed in Ontario than in the United Kingdom and most other countries in the world during this period. The Ontario legislature's efforts to temper this social closure should be seen in this context. Even though legislators demonstrated a willingness to admit individuals excluded from professions, they proved highly supportive of professional efforts to pursue social closure and ultimately supported the goal of limiting entry to practice to a select few. Many legislators were in fact professionals (especially lawyers), and they demonstrated no inclination to undermine professional authority. The legislature's decision to support professional regulations by rejecting private bills at the end of this period reveals growing support for professional ideals.³⁹ By the First World War, Ontario professional bodies had achieved more social closure, greater public respect, and a state more supportive of their professional authority.

39 As noted, despite this decision, the legislature did pass a number of additional bills granting minor concessions to applicants between 1908 and 1927 (Adams, "Legislating Professionals").